IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant	:	CLAY FISHER
Title	:	METHODS AND APPARATUSES FOR SYNCHRONIZING AND TRACKING CONTENT
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Mail Stop APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

APPEAL BRIEF

Dear Sir:

The following appeal brief is respectfully submitted pursuant to the Notice of Appeal filed on 07/28/2011. Submittal is timely since the response to Applicant's request for a pre-appeal brief conference set a briefing deadline of 10/19/2011. If any extension of time is required, please consider this a petition therefor and charge any fees due to Deposit Account No. 07-1137.

REAL PARTY IN INTEREST

The real party in interest is: “Sony Corporation”, 7-35 Kitashinagawa 6-chome Shinagawa-ku, Tokyo, Japan; and “Sony Electronics Inc.” 1 Sony Drive, Park Ridge, NJ 07656.

RELATED APPEALS AND INTERFERENCES

There are no related Appeals and Interferences at this time.

STATUS OF CLAIMS

Claims 1-10 and 17-28 stand rejected, Applicant has not amended or canceled any of the claims within the present appeal.

Claims 11-16 were previously canceled.

All pending claims (Claims 1-10 and 17-28) are being appealed.

STATUS OF AMENDMENTS

The claims now pending have not been modified subsequent to final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

Referring to the specification and drawings, the invention is defined in the claims involved in the appeal.

Claim 1. Independent Claim 1 is directed to a method of tracking and synchronizing content containing images across multiple devices, including a plurality of client devices and a server. The elements of Claim 1 are supported by the specification, drawings and prior claims as follows.

Support for "*receiving new content for which no record exists, associated with a request submitted by a user*" is found in the drawings shown as element 310 in FIG. 3; as the flowchart of FIG. 6; and found throughout the specification, including page 7, lines 9-11; page 9, line 16 to page 10, line 2; page 14, lines 8 through page 15, line 18; and so forth, as well as original Claims 11, 12 and 16.

Support for "*reviewing said new content in response to the request and comparing image content with existing content for which a record exists and which is a duplicate or related to said new content*" is found in the drawings shown in FIG. 6 in particular block 630; and found throughout the specification, including page 5, lines 10-11; page 7, lines 9-11; page 9, line 16 to page 10, line 10; page 13, lines 8-22; page 14, lines 8 through page 15, line 18; and so forth, as well as original Claims 11, 12, 16, 18, 27 and 28.

Support for "*wherein said comparing includes image analysis between the new content and the existing content*" is found in the drawings shown in FIG. 6 in particular block 630; and found throughout the specification, including page 5, lines 10-11; page 7, lines 9-11; page 9, line 16 to page 10, line 10; page 13, lines 8-22; page 14, lines 8 through page 15, line 18; and so forth, as well as original Claims 11, 12, 16, 18, 27 and 28.

Support for "*performing the request and creating a new content record corresponding to said new content*" is found in the drawings shown in FIG. 6, and in particular block 640; and found throughout the specification, including page 6, lines 18-23; page 7, lines 9-11, page 9, lines 16-20; page 14, lines 8-12; page 15, lines 4-11; and so forth, as well as original Claims 11 and 16.

Support for "*automatically completing fields within said new content record based on information contained in the new content and image analysis as well as information about the presence of duplicate or related content which is available on the multiple devices*" is found in the drawings shown in FIG. 6, in particular described for block 640; and found throughout the specification, including page 6, lines 18-23; page 9, lines 16-20; page 15, lines 4-11; and so forth, as well as original Claim 11.

Support for "*wherein new content without an existing record is compared with existing content having a corresponding record, and if the new content is at least similar to existing content, then the records from the existing content are utilized in completing the fields of the new content*" is found in the drawings shown as element 640 in FIG. 6; and found throughout the specification, page 6, lines 18-23; page 9, lines 16-20; page 15, lines 4-11; and so forth, as well as original Claim 11.

Support for "*updating the records of duplicate or related content with information about the new content associated with said new content record to synchronize all the content records*" is found in the drawings shown in FIG. 6, in particular block 660; and is found throughout the specification, including page 7, lines 9-11; page 9, line 21 through page 10, line 2; page 15, lines 14-18; and so forth, as well as original Claim 14-15.

Claim 2. Claim 2 depends from independent Claim 1, and is supported by the specification, drawings and prior claims as follows.

Support for "*receiving a copy, delete, or print request from a user corresponding to specific content within the existing content wherein duplicates of said specific content, or related to said specific content, are retained on a device across multiple devices*

configured for communicating with one another over a network" is found in the drawings shown as element 710 in FIG. 7, element 810 in FIG. 8, element 910 in FIG. 9; and found throughout the specification, including page 2, lines 4-8; page 7, lines 1-8; page 9, lines 8-15; and so forth, as well as original Claims 6 and 23.

Support for "*reviewing a record associated with the specific content in response to the request and analyzing the associated record to determine what duplicate or related content is available across the multiple devices*" is found in the drawings shown in FIG. 6 in particular block 630; and found throughout the specification, including page 7, lines 9-11; page 9, line 16 to page 10, line 2; page 14, lines 8 through page 15, line 18; and so forth, as well as original Claims 11, 12 and 16.

Support for "*transmitting a confirmation for the request in response to detecting the presence of any duplicate or related content*" is found in the drawings shown in FIG. 6 in particular block 630; and found throughout the specification, including page 7, lines 9-11; page 9, line 16 to page 10, line 2; page 14, lines 8 through page 15, line 18; and so forth, as well as original Claims 11, 12 and 16

Support for "*performing the request in response to receiving the request and instructions from the user in responding to said confirmation*" is found in the drawings shown as element 550 in FIG. 5; as element 730 in FIG. 7; and found throughout the specification, including page 13 line 17 to page 14 line 7; and so forth, as well as original Claims 1-2, and 9-10.

Claim 3. Claim 3 depends from independent Claim 1, and is supported by the specification, drawings and prior claims as follows.

Support for "*receiving a copy, delete, or print request from a user corresponding to said specific content within the existing content wherein duplicates of said specific content, or related to said specific content, are retained on a device across multiple devices configured for communicating with one another over a network*" is found in the drawings shown as element 710 in FIG. 7, element 810 in FIG. 8, element 910 in FIG.

9; and found throughout the specification, including page 2, lines 4-8; page 7, lines 1-8; page 9, lines 8-15; and so forth, as well as original Claims 6 and 23.

Support for "*reviewing a record associated with the specific content in response to the request and analyzing the associated record to determine what duplicate or related content is available across the multiple devices*" is found in the drawings shown in FIG. 6 in particular block 630; and found throughout the specification, including page 7, lines 9-11; page 9, line 16 to page 10, line 2; page 14, lines 8 through page 15, line 18; and so forth, as well as original Claims 11, 12 and 16.

Support for "*determining utilization of any duplicate or related content based on a pre-established preference and the type of request which was received*" is found in the drawings shown in FIG. 7, FIG. 8 and FIG. 9; and found throughout the specification, including page 9, lines 8-15; page 10, lines 3-19; page 14, lines 1-7; page 16, lines 2-9; and so forth.

Claim 4. Claim 4 depends from independent Claim 1, and is supported by the specification, drawings and prior claims as follows.

Support for "*transmitting a confirmation for the request in response to detecting the presence of any duplicate or related content*" is found in the drawings shown as element 540 in FIG. 5; and found throughout the specification, including page 2, lines 4-8; page 7, lines 1-8; page 13, lines 10-16; page 16, lines 2-9; and so forth, as well as original Claim 1, 9-10, 20, and 24.

Support for "*wherein said confirmation presents the user with options as to which content to use, based on resolution of the content, for performing said request based on the presence of duplicate content*" is found in the drawings shown as element 540 in FIG. 5; and found throughout the specification, including page 13, lines 10-22; page 14, lines 1-7; and so forth, as well as original Claims 2-3 and 20.

Claim 5. Claim 5 depends from independent Claim 1, and is supported by the specification, drawings and prior claims as follows.

Support for "*wherein image-content resolution is determined when comparing duplicate or related content*" is described in the specification, including page 17, lines 10-14, also page 14, lines 1-4, and so forth.

Claim 6. Claim 6 depends from independent Claim 1, and is supported by the specification, drawings and prior claims as follows.

Support for "*wherein each content record includes a field for indicating other content related to content associated with the content record*" is found in the drawings shown as element 440 in FIG. 4; and found throughout the specification, including page 1, lines 16-19; page 12, lines 8-11; page 15, lines 4-11; and so forth, as was part of original Claim 13.

Claim 7. Claim 7 depends from independent Claim 1, and is supported by the specification, drawings and prior claims as follows.

Support for "*storing the pre-established preference in a storage device*" is found in the drawings shown in FIG. 2; element 330 of FIG. 3; and found throughout the specification, including page 10, lines 12-15; page 11, lines 5-8; page 14, lines 1-7; and so forth, as well as original Claims 7-8, 11 and 16-17.

Claim 8. Claim 8 depends from independent Claim 1, and is supported by the specification, drawings and prior claims as follows.

Support for "*storing the new content record in a storage device*" is found in the drawings shown as element 330 in FIG. 3; element 650 in FIG. 6; and found throughout the specification, including page 7, lines 9-11; page 10, lines 12-15; and so forth, as well as original Claims 7-8 and 21-22.

Claim 9. Claim 9 depends from Claim 2 which depends from independent Claim 1, and is supported by the specification, drawings and prior claims as follows.

Support for *"confirmation is sought from the user for authorization for executing the request"* is found in the drawings shown as element 540 in FIG. 5; and found throughout the specification, including page 2, lines 4-8; page 7, lines 1-8; page 13, lines 10-16; page 16, lines 2-9; and so forth, as well as original Claim 1, 9-10, 20, and 24.

Claim 10. Independent Claim 10 is directed to a system for tracking and synchronizing content containing images across multiple devices, including a plurality of client devices and a server. The elements of Claim 1 are supported by the specification, drawings and prior claims as follows.

Support for "*means for receiving a request from a user to create a new content record for new content received from the user for which no record exists*" is found in the drawings shown as element 310 in FIG. 3; as the flowchart of FIG. 6; and found throughout the specification, including page 7, lines 9-11; page 9, line 16 to page 10, line 2; page 14, lines 8 through page 15, line 18; and so forth, as well as original Claims 11, 12 and 16.

Support for "*means for reviewing specific content within the new content of said new record in response to the request and comparing image-content with duplicate or related content which is available across said multiple devices*" is found in the drawings shown in FIG. 6 in particular block 630; and found throughout the specification, including page 7, lines 9-11; page 9, line 16 to page 10, line 2; page 14, lines 8 through page 15, line 18; and so forth, as well as original Claims 11, 12 and 16.

Support for "*wherein said comparing includes image analysis between the new content and the existing content*" is found in the drawings shown in FIG. 6 in particular block 630; and found throughout the specification, including page 5, lines 10-11; page 7, lines 9-11; page 9, line 16 to page 10, line 10; page 13, lines 8-22; page 14, lines 8

through page 15, line 18; and so forth, as well as original Claims 11, 12, 16, 18, 27 and 28.

Support for "*means for performing the request and creating a record corresponding to said new content*" is found in the drawings shown in FIG. 6, and in particular block 640; and found throughout the specification, including page 6, lines 18-23; page 7, lines 9-11, page 9, lines 16-20; page 14, lines 8-12; page 15, lines 4-11; and so forth, as well as original Claims 11 and 16.

Support for "*means for automatically completing fields within said new content record in response to information contained in the new content and said image analysis as well as information about said duplicate or related content which is available across the multiple devices*" is found in the drawings shown in FIG. 6, in particular described for block 640; and found throughout the specification, including page 6, lines 18-23; page 9, lines 16-20; page 15, lines 4-11; and so forth, as well as original Claim 11.

Support for "*wherein new content without an existing record is compared with existing content having a corresponding record, and if the new content is at least similar to existing content, then the records from the existing content are utilized in completing the fields of the new content*" is found in the drawings shown as element 640 in FIG. 6; and found throughout the specification, page 6, lines 18-23; page 9, lines 16-20; page 15, lines 4-11; and so forth, as well as original Claim 11.

Support for "*means for updating the records of duplicate or related content with information about the specific content associated with said new content record to synchronize the content records*" is found in the drawings shown in FIG. 6, in particular block 660; and is found throughout the specification, including page 7, lines 9-11; page 9, line 21 through page 10, line 2; page 15, lines 14-18; and so forth, as well as original Claim 14-15.

Claim 17. Independent Claim 17 is directed to a system for tracking and synchronizing content containing images across multiple devices, including a plurality of

client devices and a server. The elements of Claim 1 are supported by the specification, drawings and prior claims as follows.

Support for "*an interface module configured for receiving a request submitted by a user specifying new content submitted by the user for which no record exists*" is found in the drawings shown as block 115 in FIG. 1, block 340 in FIG. 3; FIG. 6 in particular block 630; and found throughout the specification, including page 7, lines 9-11; page 8, lines 1-2; page 8 line 22 to page 9 line 7; page 9 line 14 to page 10, line 2; page 14, lines 8 through page 15, line 18; and so forth, as well as original Claims 11, 12 and 16.

Support for "*said interface module is configured for communicating over a network between one or more client devices and a server device*" is found in the drawings shown in FIG. 1 - 3 (block 115 in FIG. 1 and block 340 in FIG. 3); and found throughout the specification, including page 5, line 12 to page 6, line 17; and so forth.

Support for "*wherein existing content, which is a duplicate and/or related, to said new content are retained across multiple devices configured for communicating over the network*" is found in the drawings shown as block 110 in FIG. 1 and FIG. 2; as block 440 in FIG. 4; and found throughout the specification, including page 1, lines 16-22; page 12, lines 4-16; page 13, lines 10-16; page 15, lines 4-18; page 19, lines 3-10; and so forth.

Support for "*a review module configured for reviewing said new content and creating a new content record corresponding to said new content based on comparing the new content with existing content, and performing an image analysis*" is found in the drawings shown as element 310 in FIG.3; and found throughout the specification, including page 2, lines 4-8; page 8 line 22 through page 10 line 2; and so forth, as well as original Claim 1, 2, 4, 10, 17 and 24.

Support for "*wherein a content record is associated with existing content, with said content record having information fields for accessing the duplicate content and/or related content*" is found in the drawings shown as element 400 in FIG. 4; and found

throughout the specification, including: page 6, lines 18-23; page 9, lines 16-20; page 15, lines 4-11; and so forth, as well as original Claim 11.

Support for "*a storage module configured for storing a preference wherein the preference corresponds to types of request and includes at least one criteria for performing the request*" is found in the drawings shown as element 330 in FIG. 3; as block; and found throughout the specification, including page 8, lines 3-6; page 8 lines 22 through page 9 line 8; page 10, lines 12-19; page 15, lines 12-18; and so forth, as well as original Claim 7-8, 11, 16-17 and 21-22.

Support for "*said review module configured for analyzing existing content and a corresponding content record associated with the request, to find duplicate or related content that is available across the system containing the multiple devices*" is found in the drawings shown in FIG. 6 in particular block 630; and found throughout the specification, including page 7, lines 9-11; page 9, line 16 to page 10, line 2; page 14, lines 8 through page 15, line 18; and so forth, as well as in original Claims 11, 12 and 16.

Support for "*said review module automatically completing fields within said new content record based on information contained in existing content as well as information about the presence of duplicate or related content which is available across the multiple devices*" is found in the drawings shown in FIG. 6, in particular described for block 640; and found throughout the specification, including page 6, lines 18-23; page 9, lines 16-20; page 15, lines 4-11; and so forth, as well as in original Claim 11.

Support for "*said review module also automatically updates content record fields associated with existing content in response to receipt of new content which is found to be a duplicate or related to the existing content based on said image analysis*" is found in the drawings shown in FIG. 6, in particular block 660; and is found throughout the specification, including page 7, lines 9-11; page 9, line 21 through page 10, line 2; page 15, lines 14-18; and so forth, as well as in original Claim 14-15.

Support for "*said review module configured for selectively transmitting a confirmation for the request based on the analysis and the presence of duplicate or related content and the preference for determining whether the request is performed*" is found in the drawings shown as element 540 in FIG. 5; and found throughout the specification, including page 2, lines 4-8; page 7, lines 1-8; page 13, lines 10-16; page 16, lines 2-9; and so forth, as well as in original Claim 1, 9-10, 20, and 24.

Support for "*said review module executes the request based on receiving the request and instruction from the user in responding to said confirmation*" is found in the drawings shown as element 550 in FIG. 5; as element 730 in FIG. 7; and found throughout the specification, including page 13 line 17 to page 14 line 7; and so forth, as well as in original Claims 1-2, and 9-10.

Claim 18. Claim 18 depends from independent Claim 17, and is supported by the specification, drawings and prior claims as follows.

Support for "*a capture module configured to identify content in response to comparing an image of the new content with images contained in the existing content*" is found in the drawings shown as element 320 in FIG. 3; block 510 in FIG. 5; and found throughout the specification, including page 8, line 22 through page 9, line 15; page 10, lines 3-11; page 13, lines 1-9; and so forth, as well as in original Claim 18.

Claim 19. Claim 19 depends from independent Claim 17, and is supported by the specification, drawings and prior claims as follows.

Support for "*wherein image-content resolution is determined when comparing duplicate or related content*" is described in the specification, including page 17, lines 10-14, also page 14, lines 1-4, and so forth.

Claim 20. Claim 20 depends from independent Claim 17, and is supported by the specification, drawings and prior claims as follows.

Support for "*the interface module is configured to provide a confirmation based on the criteria for performing the request as contained in said preference, said confirmation configured for confirming that the user desires to proceed with performing the request*" is found in the drawings shown as element 115 in FIG. 1; element 340 in FIG. 3; element 540 in FIG. 5; and found throughout the specification, including page 2, lines 4-8; page 5 line 12 through page 6 line 5; page 2, lines 4-8; page 8, lines 1-2; page 13 line 10 through page 14 line 7; page 16, lines 2-9; and so forth, as well as original Claim 1, 9-10, 20 and 24.

Claim 21. Claim 21 depends from independent Claim 17, and is supported by the specification, drawings and prior claims as follows.

Support for "*the storage module is configured to store the new content record*" is found in the drawings shown as element 330 in FIG. 3; element 650 in FIG. 6; and found throughout the specification, including page 7, lines 9-11; page 10, lines 12-15; and so forth, as well as original Claims 7-8 and 21-22.

Claim 22. Claim 22 depends from independent Claim 17, and is supported by the specification, drawings and prior claims as follows.

Support for "*the storage module is configured to store the new content*" is found in the drawings shown as element 330 in FIG. 3; element 650 in FIG. 6; and found throughout the specification, including page 7, lines 9-11; page 10, lines 12-15; and so forth, as well as original Claims 7-8 and 21-22.

Claim 23. Claim 23 depends from independent Claim 17, and is supported by the specification, drawings and prior claims as follows.

Support for "*the request includes one from the group of request types consisting of saving, deleting, modifying, and printing of content*" is found in the drawings shown as element 530 in FIG. 5; element 710 in FIG. 7; element 810 in FIG. 8; and found

throughout the specification, including page 7, lines 1-8; and so forth, as well as original Claims 6 and 23.

Claim 24. Independent Claim 24 is directed to a computer-readable medium having computer executable instructions for performing tracking and synchronizing content containing images across multiple devices, including a plurality of client devices and a server. The elements of Claim 24 are supported by the specification, drawings and prior claims as follows.

Support for "*receiving a request from a user corresponding to new content submitted by the user for which no record exists across any of the multiple devices*" is found in the drawings shown as element 310 in FIG. 3; as the flowchart of FIG. 6; and found throughout the specification, including page 7, lines 9-11; page 9, line 16 to page 10, line 2; page 14, lines 8 through page 15, line 18; and so forth, as well as in original Claims 11, 12 and 16.

Support for "*creating a new content record for said new content submitted by the user for which no record exists*" is found in the drawings shown in FIG. 6, and in particular block 640; and found throughout the specification, including page 6, lines 18-23; page 7, lines 9-11, page 9, lines 16-20; page 14, lines 8-12; page 15, lines 4-11; and so forth, as well as in original Claims 11 and 16.

Support for "*wherein a content record is associated with existing content, with said content record having information fields for accessing the duplicate content and/or related content*" is found in the drawings shown as element 640 in FIG. 6; and found throughout the specification, page 6, lines 18-23; page 9, lines 16-20; page 15, lines 4-11; and so forth, as well as original Claim 11.

Support for "*reviewing existing content records in response to the request and analyzing the associated record and comparing image content using image analysis to determine what duplicate or related content is available across the multiple devices*" is found in the drawings shown in FIG. 6 in particular block 630; and found throughout the

specification, including page 7, lines 9-11; page 9, line 16 to page 10, line 2; page 14, lines 8 through page 15, line 18; and so forth, as well as in original Claims 11, 12 and 16.

Support for "*automatically completing fields within said new content record based on information contained in the new content and said image analysis as well as information about the presence of duplicate or related content in existing content available across the multiple devices*" is found in the drawings shown in FIG. 6, in particular described for block 640; and found throughout the specification, including page 6, lines 18-23; page 9, lines 16-20; page 15, lines 4-11; and so forth, as well as in original Claim 11.

Support for "*automatically updating content record fields associated with existing content in response to receipt of new content which is found to be a duplicate or related to the existing content*" is found in the drawings shown in FIG. 6, in particular block 660; and is found throughout the specification, including page 7, lines 9-11; page 9, line 21 through page 10, line 2; page 15, lines 14-18; and so forth, as well as in original Claim 14-15.

Support for "*selectively transmitting a confirmation for the request based on said reviewing and the presence of any duplicate or related content*" is found in the drawings shown as element 540 in FIG. 5; and found throughout the specification, including page 2, lines 4-8; page 7, lines 1-8; page 13, lines 10-16; page 16, lines 2-9; and so forth, as well as in original Claim 1, 9-10, 20, and 24.

Support for "*performing the request based on receiving the request and instruction from the user in responding to said confirmation*" is found in the drawings shown as element 550 in FIG. 5; as element 730 in FIG. 7; and found throughout the specification, including page 13 line 17 to page 14 line 7; and so forth, as well as in original Claims 1-2, and 9-10.

Claim 25. Independent Claim 25 is directed to a system for synchronizing and tracking content containing images across multiple devices, including a plurality of client devices and a server. The elements of the claim are supported by the specification, drawings and prior claims as follows.

Support for "*a server configured for communication over a network*" is found in the drawings shown as element 120 and 130 in FIG. 1; and found throughout the specification, including page 5 line 12 through page 6 line 17; page 7 line 15 through page 8 line 16; and so forth.

Support for "*a client device configured for communication over the network with said server*" is found in the drawings shown as element 110 and 120 in FIG. 1; and found throughout the specification, including page 5 line 12 through page 6 line 17; page 8, lines 10-16; and so forth.

Support for "*an electronic processor in said client device, said server, or in both said client device and said server*" and "*programming executable on said electronic processor*" is found in the drawings shown as element 208 within block 110 in FIG. 2; and found throughout the specification, including page 6, lines 6-11; page 7 line 12 through page 8 line 9; and so forth.

Support for "*receiving a request from a user with new content submitted by the user for which no record exists*" is found in the drawings shown as element 310 in FIG. 3; as the flowchart of FIG. 6; and found throughout the specification, including page 7, lines 9-11; page 9, line 16 to page 10, line 2; page 14, lines 8 through page 15, line 18; and so forth, as well as in original Claims 11, 12 and 16.

Support for "*communicating over the network between said client device and said server device and at least one other client device connected to the network*" is found in the drawings shown in FIG. 1 - 3 (block 115 in FIG. 1 and block 340 in FIG. 3); and found throughout the specification, including page 5, line 12 to page 6, line 17; and so forth.

Support for "*said new content along with existing duplicate content, and/or related content are retained across multiple client devices configured for communicating over the network*" is found in the drawings shown as block 110 in FIG. 1 and FIG. 2; as block 440 in FIG. 4; and found throughout the specification, including page 1, lines 16-22; page 12, lines 4-16; page 13, lines 10-16; page 15, lines 4-18; page 19, lines 3-10; and so forth.

Support for "*creating a new content record for said new content submitted by the user*" is found in the drawings shown in FIG. 6, and in particular block 640; and found throughout the specification, including page 6, lines 18-23; page 7, lines 9-11, page 9, lines 16-20; page 14, lines 8-12; page 15, lines 4-11; and so forth, as well as in original Claims 11 and 16.

Support for "*analyzing the new content and comparing image content using image analysis to find duplicate or related content that is available on devices connected to the network*" is found in the drawings shown in FIG. 6 in particular block 630; and found throughout the specification, including page 7, lines 9-11; page 9, line 16 to page 10, line 2; page 14, lines 8 through page 15, line 18; and so forth, as well as original Claims 11, 12 and 16.

Support for "*automatically completing fields within said new content record based on information contained in the new content and said image analysis as well as information about the presence of duplicate or related content in existing content available across the multiple devices*" is found in the drawings shown in FIG. 6, in particular described for block 640; and found throughout the specification, including page 6, lines 18-23; page 9, lines 16-20; page 15, lines 4-11; and so forth, as well as original Claim 11.

Support for "*automatically updating content record fields associated with existing content in response to receipt of new content which is found to be a duplicate or related to the existing content*" is found in the drawings shown in FIG. 6, in particular block 660; and is found throughout the specification, including page 7, lines 9-11; page 9, line 21

through page 10, line 2; page 15, lines 14-18; and so forth, as well as original Claim 14-15.

Support for "*transmitting a confirmation for the request when duplicate or related content is available*" is found in the drawings shown as element 540 in FIG. 5; and found throughout the specification, including page 2, lines 4-8; page 7, lines 1-8; page 13, lines 10-16; page 16, lines 2-9; and so forth, as well as original Claim 1, 9-10, 20, and 24.

Support for "*receiving instruction from the user in responding to said confirmation*" and "*executing the request based on instruction*" is found in the drawings shown as element 550 in FIG. 5; as element 730 in FIG. 7; and found throughout the specification, including page 13 line 17 to page 14 line 7; and so forth, as well as original Claims 1-2, and 9-10.

Claim 26. Independent Claim 26 is directed to a system for synchronizing and tracking content containing images across multiple devices, including a plurality of client devices and a server. The elements of the claim are supported by the specification, drawings and prior claims as follows.

Support for "*a server configured for communication over a network*" and "*a client device configured for communication over the network with said server* " is found in the drawings shown as element 110 - 130 in FIG. 1; and found throughout the specification, including page 5 line 12 through page 6 line 17; page 7 line 15 through page 8 line 16; and so forth.

Support for "*electronic processor in said client device, said server, or in both said client device and said server"* and *"programming executable on said electronic processor*" is found in the drawings shown as element 208 within block 110 in FIG. 2; and found throughout the specification, including page 6, lines 6-11; page 7 line 12 through page 8 line 9; and so forth.

Support for "*storing a preference setting for one or more types of requests, said preference including at least one criteria for performing the request*" is found in the drawings shown as stored within element 330 in FIG. 3; retrieved in element 730 in FIG. 7; retrieved in element 830 of FIG. 8; retrieved in element 925 in FIG. 9; and found throughout the specification, including page 9, lines 8-15; page 10, lines 12-15; page 14, lines 1-7; page 15, lines 2-19; page 17, lines 4-14; page 18, lines 1-4; and so forth, as well as original Claim 2-3, 7 and 17.

Support for "*receiving a request from a user with new content submitted by the user for which no record exists*" is found in the drawings shown as element 310 in FIG. 3; as the flowchart of FIG. 6; and found throughout the specification, including page 7, lines 9-11; page 9, line 16 to page 10, line 2; page 14, lines 8 through page 15, line 18; and so forth, as well as original Claims 11, 12 and 16.

Support for "*communicating over the network between said client device and said server and at least one other client device connected to the network*" is found in the drawings shown as element 110 - 130 in FIG. 1; and found throughout the specification, including page 5 line 12 through page 6 line 17; page 7 line 15 through page 8 line 16; and so forth.

Support for "*said new content along with existing duplicate content, and/or related content are retained across multiple client devices configured for communicating over the network*" is found in the drawings shown as block 110 in FIG. 1 and FIG. 2; as block 440 in FIG. 4; and found throughout the specification, including page 1, lines 16-22; page 12, lines 4-16; page 13, lines 10-16; page 15, lines 4-18; page 19, lines 3-10; and so forth.

Support for "*creating a new content record for said new content submitted by the user*" is found in the drawings shown in FIG. 6, and in particular block 640; and found throughout the specification, including page 6, lines 18-23; page 7, lines 9-11, page 9, lines 16-20; page 14, lines 8-12; page 15, lines 4-11; and so forth, as well as original Claims 11 and 16.

Support for "*analyzing the new content using image analysis to find duplicate or related content that is available on devices connected to the network*" is found in the drawings shown in FIG. 6 in particular block 630; and found throughout the specification, including page 7, lines 9-11; page 9, line 16 to page 10, line 2; page 14, lines 8 through page 15, line 18; and so forth, as well as original Claims 11, 12 and 16.

Support for "*automatically completing fields within said new content record based on information contained in the new content as well as information about the presence of duplicate or related content in existing content available across the multiple devices*" is found in the drawings shown in FIG. 6, in particular described for block 640; and found throughout the specification, including page 6, lines 18-23; page 9, lines 16-20; page 15, lines 4-11; and so forth, as well as original Claim 11.

Support for "*automatically updating content record fields associated with existing content in response to receipt of new content which is found to be a duplicate or related to the existing content*" is found in the drawings shown in FIG. 6, in particular block 660; and is found throughout the specification, including page 7, lines 9-11; page 9, line 21 through page 10, line 2; page 15, lines 14-18; and so forth, as well as original Claim 14-15.

Support for "*transmitting a confirmation for the request based on the preference setting when duplicate or related content is available*" is found in the drawings shown as element 540 in FIG. 5; and found throughout the specification, including page 2, lines 4-8; page 7, lines 1-8; page 13, lines 10-16; page 16, lines 2-9; and so forth, as well as original Claim 1, 9-10, 20, and 24.

Support for "*receiving instruction from the preference setting, and/or from the user in responding to said confirmation, as to how to execute said request"* and *"executing the request in response to said instruction*" is found in the drawings shown as element 550 in FIG. 5; as element 730 in FIG. 7; and found throughout the specification, including page 13 line 17 to page 14 line 7; and so forth, as well as original Claims 1-2, and 9-10.

Claim 27. Independent Claim 27 is directed to a system for synchronizing and tracking content containing images across multiple devices, including a plurality of client devices and a server. The elements of the claim are supported by the specification, drawings and prior claims as follows.

Support for "*a client device configured for communication over the network with a server and/or at least one other client device*" is found in the drawings shown as element 110 and 120 in FIG. 1; and found throughout the specification, including page 5 line 12 through page 6 line 17; page 8, lines 10-16; and so forth.

Support for "*an electronic processor in said client device"* and "*programming executable on said electronic processor*" is found in the drawings shown as element 208 within block 110 in FIG. 2; and found throughout the specification, including page 6, lines 6-11; page 7 line 12 through page 8 line 9; and so forth.

Support for "*receiving a request from a user with new content submitted by the user for which no record exists*" is found in the drawings shown as element 310 in FIG. 3; as the flowchart of FIG. 6; and found throughout the specification, including page 7, lines 9-11; page 9, line 16 to page 10, line 2; page 14, lines 8 through page 15, line 18; and so forth, as well as in original Claims 11, 12 and 16.

Support for "*communicating over the network between said client device and a server and/or at least one other client device connected to the network*" is found in the drawings shown in FIG. 1 - 3 (block 115 in FIG. 1 and block 340 in FIG. 3); and found throughout the specification, including page 5, line 12 to page 6, line 17; and so forth.

Support for "*said new content along with existing duplicate content, and/or related content are retained across the server and/or multiple client devices configured for communicating over the network*" is found in the drawings shown as block 110 in FIG. 1 and FIG. 2; as block 440 in FIG. 4; and found throughout the specification, including page 1, lines 16-22; page 12, lines 4-16; page 13, lines 10-16; page 15, lines 4-18; page 19, lines 3-10; and so forth.

Support for "*creating a new content record for said new content submitted by the user*" is found in the drawings shown in FIG. 6, and in particular block 640; and found throughout the specification, including page 6, lines 18-23; page 7, lines 9-11, page 9, lines 16-20; page 14, lines 8-12; page 15, lines 4-11; and so forth, as well as in original Claims 11 and 16.

Support for "*analyzing an image in the new content using image analysis to find images of duplicate or related content in the existing content that is available on servers and/or client devices connected to the network*" is found in the drawings shown in FIG. 6 in particular block 630; and found throughout the specification, including page 7, lines 9-11; page 9, line 16 to page 10, line 2; page 14, lines 8 through page 15, line 18; and so forth, as well as in original Claims 11, 12 and 16.

Support for "*automatically updating content record fields associated with existing content in response to receipt of new content and said image analysis from which is found duplicate or related content*" is found in the drawings shown in FIG. 6, in particular described for block 640; and found throughout the specification, including page 6, lines 18-23; page 9, lines 16-20; page 15, lines 4-11; and so forth, as well as in original Claim 11.

Support for "*transmitting a confirmation for the request when duplicate or related content is available*" is found in the drawings shown as element 540 in FIG. 5; and found throughout the specification, including page 2, lines 4-8; page 7, lines 1-8; page 13, lines 10-16; page 16, lines 2-9; and so forth, as well as in original Claim 1, 9-10, 20, and 24.

Support for "*receiving instruction from the user in responding to said confirmation"* and *"executing the request based on said instruction*" is found in the drawings shown as element 550 in FIG. 5; as element 730 in FIG. 7; and found throughout the specification, including page 13 line 17 to page 14 line 7; and so forth, as well as in original Claims 1-2, and 9-10.

Claim 28. Independent Claim 28 is directed to a apparatus for synchronizing and tracking content containing images across multiple devices, including a plurality of client devices and a server. The elements of the claim are supported by the specification, drawings and prior claims as follows.

Support for "*a server configured for communication over a network with client devices*" is found in the drawings shown as element 110 - 130 in FIG. 1; and found throughout the specification, including page 5 line 12 through page 6 line 17; page 7 line 15 through page 8 line 16; and so forth.

Support for "*an electronic processor in said server"* and *"programming executable on said electronic processor for*" is found in the drawings shown as element 208 within block 110 in FIG. 2; and found throughout the specification, including page 6, lines 6-11; page 7 line 12 through page 8 line 9; and so forth.

Support for "*receiving a request from a user with new content submitted by the user for which no record exists*" is found in the drawings shown as element 310 in FIG. 3; as the flowchart of FIG. 6; and found throughout the specification, including page 7, lines 9-11; page 9, line 16 to page 10, line 2; page 14, lines 8 through page 15, line 18; and so forth, as well as in original Claims 11, 12 and 16.

Support for "*communicating over the network between said server and at least one said client device connected to the network*" is found in the drawings shown as element 110 - 130 in FIG. 1; and found throughout the specification, including page 5 line 12 through page 6 line 17; page 7 line 15 through page 8 line 16; and so forth.

Support for "*said new content along with existing duplicate content, and/or related content are retained across said server and at least one said client device configured for communicating over the network*" is found in the drawings shown as block 110 in FIG. 1 and FIG. 2; as block 440 in FIG. 4; and found throughout the specification, including page 1, lines 16-22; page 12, lines 4-16; page 13, lines 10-16; page 15, lines 4-18; page 19, lines 3-10; and so forth.

Support for "*creating a new content record for said new content submitted by the user*" is found in the drawings shown in FIG. 6, and in particular block 640; and found throughout the specification, including page 6, lines 18-23; page 7, lines 9-11, page 9, lines 16-20; page 14, lines 8-12; page 15, lines 4-11; and so forth, as well as in original Claims 11 and 16.

Support for "*analyzing the new content and comparing image content using image analysis to find duplicate or related content that is retained on client devices connected to the network*" is found in the drawings shown in FIG. 6 in particular block 630; and found throughout the specification, including page 7, lines 9-11; page 9, line 16 to page 10, line 2; page 14, lines 8 through page 15, line 18; and so forth, as well as in original Claims 11, 12 and 16.

. Support for "*automatically completing fields within said new content record based on information contained in the new content and said image analysis as well as information about the presence of duplicate or related content in existing content available across the multiple devices*" is found in the drawings shown in FIG. 6, in particular described for block 640; and found throughout the specification, including page 6, lines 18-23; page 9, lines 16-20; page 15, lines 4-11; and so forth, as well as in original Claim 11.

Support for "*automatically updating content record fields associated with existing content in response to receipt of new content and said image analysis from which is found duplicate or related content*" is found in the drawings shown in FIG. 6, in particular block 660; and is found throughout the specification, including page 7, lines 9-11; page 9, line 21 through page 10, line 2; page 15, lines 14-18; and so forth, as well as in original Claim 14-15.

Support for "*transmitting a confirmation for the request when duplicate or related content is available*" is found in the drawings shown as element 540 in FIG. 5; and found throughout the specification, including page 2, lines 4-8; page 7, lines 1-8; page

13, lines 10-16; page 16, lines 2-9; and so forth, as well as in original Claim 1, 9-10, 20, and 24.

Support for "*receiving instruction from the user in responding to said confirmation"* and *"executing the request based on said instruction. "* is found in the drawings shown as element 550 in FIG. 5; as element 730 in FIG. 7; and found throughout the specification, including page 13 line 17 to page 14 line 7; and so forth, as well as in original Claims 1-2, and 9-10.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on appeal are as follows.

Claims 1-10 and 17-28 under 35 U.S.C. §103(a) based on Schleifer (U.S. Pat. No. 7,526,768), in view of LaRue (U.S. Publ. No. 2002/0133508), and further in view of Searby (US Patent No. 5,412,402).

ARGUMENT

1. Rejection of Claims 1-10 and 17-28 under 35 U.S.C. § 103(a).

Claims 1-10 and 17-28 were rejected for obviousness under 35 U.S.C. § 103(a) based on the combined teachings of Schleifer (U.S. Pat. No. 7,526,768) and LaRue (U.S. Publ. No. 2002/0133508), further in view of Searby (US Patent No. 5,412,402).

The Applicant respectfully requests the rejection of these claims be withdrawn for the reasons discussed in detail below. The Applicant asserts that the cited references do not teach what they are purported to teach, that the combination does not teach all aspects and interoperability recited in the claims, and that the combination is improper.

It will be seen that the Final Office Action dated 04/28/2011 advances a single set of arguments "*Regarding Claims 1, 10, 17, 18 and 24-28*", which include all eight (8) of the independent claims of the instant application. These independent claims are treated as if they all disclosed the same material as Claim 1, despite their varying

scopes and configurations. As is generally well recognized, EACH claim of an application is to be accorded equal weight and its specific wording and language examined. There are aspects of these independent claims which have not been considered, and had they been properly considered Applicant believes the case would have been advancing all along. In particular, independent claims, such as Claim 17 and 24-28, contain a number of limitations whose recitations *in-toto* have not been considered. Only the portions in common with the broadest independent Claim 1 have been examined. The consideration of such "omnibus" rejections are spoken of in MPEP 707.07(d):

IMPROPERLY EXPRESSED REJECTIONS

> An omnibus rejection of the claim "on the references and for the reasons of record" is stereotyped and usually not informative and should therefore be avoided. This is especially true where certain claims have been rejected on one ground and other claims on another ground. A plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group. (emphasis added)

Applicant discusses each of these independent claims (Claims 1, 10, 17 and 24-28) in separate sections, so that the differences can be properly addressed.

A. Independent Claim 1.

Claim 1 is an independent claim directed to a method of tracking and synchronizing content containing images across multiple devices, including a plurality of client devices and a server.

The Examiner asserts that the Schleifer / LaRue / Searby combination teaches all of the elements of independent Claim 1 (as well as that of independent Claims 10, 17-18 and 24-28 as discussed in later sections). However, in most cases the only support given for the Examiner assertions are a column and line number directed to the reference, without a searching comparison of how the text section relied upon supposedly teaches the element of the claim. So no *prima facie* case of obviousness is

established. Furthermore, in many instances discussed below, Applicant shows how the cited reference fails to teach what it is purported to teach.

A1. Combination Not Directed to New Content.

The Schleifer / LaRue / Searby combination does not teach "*receiving new content for which no record exists associated with a request submitted by a user*" as recited in Claim 1.

In support of this aspect of the invention, Examiner lists "*(col. 10, lines 63-65)*" of Schleifer, but provides no searching comparison, or any comparison for that matter as to how and why the Examiner considers this section to comport to the claim.

The specific text referred to is: "*Moving to block 1240, The synchronization is started from scratch and the device receives an add command 65 requesting to add Item A to the device.*"

In analyzing the above, it should first be seen that the object of Schleifer is synchronization of files as discussed in the background (col. 1, lines 6-21), as throughout that reference. The example in the background is "*when a user syncs their Contacts on their mobile device with their Home PC, then the home PC and the mobile device will have the same contacts after synchronization*". One of ordinary skill in the art will recognize this means that records in the database file of contacts are copied or deleted between the mobile device and PC until they each contain equivalent records. But of course this is discussing the record already existing on the first device, for it to be synchronized with the second.

This is an important aspect as it ties in with the remaining elements of the claim describing the review including comparing image content using image analysis, the creation of a new content record, and the populating of the fields within that record as recited in the instant claims. The Schleifer reference, by contrast, merely adds records from a first device to a second device to perform the synchronization.

The instant claims specifically recite that "*new content*" is "*content for which no*

record exists". It does not say for which no record exists on the device receiving the content. The references cited have been directed toward passing a content record to a device that does not contain that content record. But if a content record is being passed, then it EXISTS. The application abundantly describes, such as on page 14, lines 8-20, that a new content item is "*content without a record*" and that it is "*'new' content to the system*". This is an important aspect as it is interoperable with the other claim elements.

Furthermore, this new content is "*content containing images*" as recited in the instant claims and specification, the content is a media containing images. This must be distinguished from the content record associated with that content, which is a database structure (entity) which contains the content, or more usually a pointer to the content, along with fields which include some form of record ID, and other information about the content. This is important as this aspect is interoperable with the image analysis toward comparing image content and is utilized when automatically completing fields in a newly created record, which would be understood to contain or point to that image content.

Although Schleifer (col. 1, lines 6-21) is asserted to teach this aspect of the invention, it is then admitted in the rejection that Schleifer lacks a proper teaching of new content and asserts a combination with LaRue to overcome these shortcomings.

However, the LaRue reference does not correct this shortcoming, as it is directed to incorporating existing records of a dataset into a "Grand Unified Dataset" (GUD) (described below). Therefore, LaRue is also taking an existing record of a first database and adding the GUD identifier when this record is subsumed into the GUD; **it is not therefore operating on new content for which no record exists**. It should be appreciated that although these references may use the term "*new content*", they are clearly referring to receiving a record structure that does not exist on the given device, or in the Grand Unified Dataset.

As described above, the LaRue reference does not describe "*receiving new content for which no record exists*", while it provides no teaching and support of synchronizing content containing images, or more particularly does not teach comparing

content containing images with a comparison that includes image analysis, as described in Applicant claims. Consequently the LaRue reference in combination with Schleifer fails to teach all aspects of the invention as recited in Applicant claims. The following discussion makes it plain that LaRue is not dealing with "*content for which no record exists*", but of receiving a record and adding fields to it for inclusion within a higher level global database.

The following looks more closely at the "*System and Method for Synchronizing DATASETS Using Cooperation Among Multiple Synchronization Engines*", as recited as the title of the LaRue reference.

Paragraph [0010] of that reference, duplicated below, describes its object.

> *The present invention relates generally to synchronization of data-that is, the process of taking* ***two or more separate collections of data ("datasets")*** *and applying changes to one or more of the datasets* ***to make the datasets identical or equivalent****. The present invention is particularly relevant to synchronization involving a dataset that may separately synchronize with multiple other datasets at various times, especially if the other datasets may also synchronize with one another.*

As seen above, LaRue itself defines a "*dataset*" as a separate collection of data. To be contained in a collection, a piece of data must be identified, whereby it of necessity is part of a record. LaRue in paragraph [0020] describes these records, "***…data records of particular multiple datasets***". Additionally, that same paragraph of the summary of the Invention of LaRue describes "*when datasets being synchronized are found to contain mutually duplicative* ***data records****, the data records are intelligently mapped to each other as being corresponding so as to avoid or minimize causing of changes to be made, in the data records, that would make synchronization status information stored in another dataset to become obsolete.*"; which further highlights needs fulfilled by the LaRue reference and pre-existence of content within records. Accordingly, LaRue clearly describes synchronizing content **for which a record exists**, and thus is not directed at "*receiving new content for which no record exists*" as recited

in Applicant claims.

In the LaRue reference, these datasets from different systems are put in a "Grand Unified Dataset" (GUD), into which the other datasets are subsumed. LaRue describes this in paragraph [0038]-[0039] duplicated below.

> *[0038] A. The Baseline Multi-point Hub-and-spoke Synchronizer.*
> *[0039] The hub-and-spoke synchronization configuration was discussed in the Background section in connection with FIG. 1. A baseline multi-point synchronization system from Starfish uses the hub-and-spoke configuration to good advantage. The baseline Starfish system uses the hub dataset 105 as the system's reference dataset or* ***"Grand Unified Dataset" (GUD)****. The baseline Starfish system stores into the hub dataset 105 not only the latest user data but also status information about such user data relating to all datasets of the hub-and-spoke configuration.*

The use of the GUD allows a superset of storage above the datasets, for storing information about the synchronization, such as described in paragraph [0055] of LaRue which recites "*The synchronizers store such exchanged knowledge in their respective reference datasets (e.g., GUDs). The synchronizers can exchange such knowledge during, for example, a synchronization between the synchronizers.*"

In view of the above context, paragraphs [0062], [0146], [0153] and [0171] of LaRue asserted in support of the rejection can be more properly understood.

Paragraph [0146] of LaRue is asserted in support of "*receiving new content for which no record exists*", although no specific texts from that lengthy paragraph are given. Applicant presumes that the reference to "*creates a new and empty GUD record and maps the received changed client record to the new GUD record*", was what was relied upon. However, in the sentence itself we see that there is already in existence a record for the client content, and this is merely being subsumed within the Global Unified Dataset (GUD). This is all the more apparent when one considers the first portion of the paragraph, such as the statement: "*The synchronizer also receives, from the client synchronizer, all changes to the* ***record-field mappings for all records*** *with regard to all clients of the client synchronizer.*" It is seen that LaRue here is clearly NOT

discussing content for which no record exists, but a record which has not been incorporated into the universal mapping of the GUD.

Clearly support is lacking from the combination of LaRue with Schleifer for a number of the elements of the recited claim. In order to reject a claim based on obviousness all claim limitations must be taught in the combination as per the following provisions of the MPEP:

2143.03 All Claim Limitations Must Be Taught or Suggested

> To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Clearly, the Schleifer / LaRue combination does not meet the limitation "*receiving new content submitted by a user, for which no record exists, associated with a request submitted by the user*" found in the Applicant's Claim 1. Accordingly, the rejection should be withdrawn.

A2. Combination Does Not Teach Reviewing and Comparing New Content.

The Schleifer / LaRue / Searby Combination Does Not Teach "*reviewing said new content …and comparing image content*".

The Examiner asserts that this second element of Claim 1 is taught at column 10, lines 65-67 of Schleifer, but fails to support that assertion with any discussion from that text and how it purportedly comports to the claim element. Column 10, lines 65-67 of Schleifer recites:

> "*The item is detected as a duplicate, and the item from the Home PC is kept. The work server ID is added to the Item tag.*"

No interpretation of the above is provided in support of the rejection. Yet, as

discussed in a prior section, Schleifer is dealing with checking records in a file, and in the above paragraph finds that one of these records is a duplicate. No discussion is put forth, however, from the Schleifer reference regarding comparing image content. The teachings of Schleifer are quite distinct from receiving material for which no records exists, and reviewing this new content by comparing image content. Thus again, what is asserted from the Schleifer reference does not comport with the recited claims.

Nothing is advanced from the LaRue reference toward reviewing the content and image analysis, although it is asserted that LaRue teaches automatic completion, as discussed in a later section.

A combination is asserted with the Searby reference toward teaching "*content being image content, and said comparing includes image analysis between the new content and the existing content (col.5, lines 39-45 and col A, lines 5-21, Searby).*"

However, the assertion is made without any searching comparison or discussion of the relied upon section from Searby and how it purportedly teaches these elements of Applicant claims. There are a number of problems with the asserted combination in that it is not analogous art while it is also directed to different objects and operating principles that the other references, and furthermore does not teach that which is recited in applicant claims.

Specifically, Searby is directed to an apparatus for **electronic painting**, and clearly NOT to a "*method of tracking and synchronizing content containing images across multiple devices, including a plurality of client devices and a server*" as recited in the instant claims, and the Searby reference also differs markedly from the other cited references.

The abstract of Searby is duplicated below:

> "***An electronic graphic system for use in the painting of an image*** *comprises a control store which stores control data representing a distribution of interpolation coefficients. The control data is created in a drawing process in which existing control data in the store is compared with new control data and is replaced with the new data when the new data has a value higher than that of the*

> *existing data. A combiner, in response to the stored control data, combines initial image data from an framestore with user selected color data from a store for display on a monitor. Also, the combiner can be reconfigured such that the combined data is written to the framestore replacing the initial image data therein. The system thus separates drawing operations from image modification operations, thereby providing a flexible means by which a simple binary line drawing algorithm can be used to paint into a color image."*

First, it seems highly unlikely that one seeking to synchronize content across multiple devices, including a client and server arrangement, would look to painting programs and how they deal with a framestore as the user modifies the painting.

If the references are not interrelated, they may well be "*non-analogous art*" and the non-analogous art test is not dead as stated In re Kahn:

> [T]he "analogous art" test – has long been part of the primary Graham analysis articulated by the Supreme Court…. The analogous-art test requires that the Board show that a reference is either in the field of the applicant's endeavor or is reasonably pertinent to the problem with which the inventor was concerned in order to rely on that reference as a basis for rejection." *In re Kahn, 441 F.3d 977 (Fed. Cir. 2006)*.

In fact, the Kahn court recognized that an Examiner who must employ even arguably non-analogous art to support an obviousness rejection has probably engaged in hindsight reconstruction:

Secondly, the sections referred from Searby do not teach the aspect of the invention for which it is relied upon. The rejection refers to col.5, lines 39-45 of Searby which is duplicated below.

> "*Referring now to FIG. 1, an electronic graphic system, generally indicated at 1, comprises a bulk storage device 2 for storing data relating to at least one initial image processed, or to be processed, by the system under the control of a user, who it is envisaged will be an artist unfamiliar with the workings of computers and associated technologies.*"

Applicant does not understand how the above supposedly relates to the instant claims. Many systems retain images, and can process images, but that does not mean

that any patent applications for systems which include retention or processing of images are *ipso facto* obvious.

The rejection also refers to col 4, lines 5-21 of Searby, duplicated below.

> *"According to another aspect of the present invention there is provided a method of modifying data defining an image, the method comprising: creating control data representing a desired distribution of interpolation coefficients and storing said control data in a control store by way of a process in which existing control data in the control store is compared with new control data created in response to the manipulation of user operable input means and is replaced with the new data when a predetermined relationship is found between the new data and the existing data; selecting a colour; combining the image data with data representing the selected colour in accordance with the control data; displaying an image derived from the combined image and colour data; and updating the image data with the combined data once acceptable modifications have been effected to the displayed image." (emphasis added)*

It should be readily apparent to one of ordinary skill in the art that modifying interpolation coefficients, as one is painting on a painting program, has little or nothing to do with a method of tracking and synchronizing content operating across multiple devices including clients and a server which upon receiving new content for which no record exists performs the process of "*reviewing said new content in response to the request and comparing image-content with existing content for which a record exists and which is a duplicate or related to said new content*" and "*wherein said comparing includes image analysis between the new content and the existing content*", as recited in applicant Claim 1.

It appears from the rejection that the Searby reference is pulled into the combination on the basis of it performing some sort of image-related comparison. It will be noted that Applicant is not attempting to patent any and all systems which include some form of comparison, but applicant claims are directed to a specific method with interrelated elements which operate cooperatively toward a specific object as stated in the claims. Searby does not describe anything of that nature. It is improper to attempt to distill down Applicant claims to some concept of image comparison, as patents are not

granted on the basis of concepts but on the specific structures and steps for carrying out one or more inventive objects. If it were proper to obviate a reference on the basis of generalized concepts, then the Searby reference itself would have never issued, as it was not the first to perform any form of image related comparison.

In addition, the rejection fails to present articulated reasoning with rational underpinning for making the combination. A mere opinion that a benefit of the modification would exist, as found in this rejection, does not seem to provide the "*articulated reasoning with some rationale underpinning to support the legal conclusion of obviousness,*" required under KSR. By definition, every patentable invention must be "*beneficial*" – and arguendo every invention contemplates at least some new benefit(s) in arriving at the invention - certainly this does not render the benefit obvious or expected. In positing the combination, the rejection merely asserts that the combination would provide "*a plurality of alternate content*". Applicant is not even sure what that phrase is supposed to mean in the context of the invention; especially in view that Searby is not directed to obtaining alternate content, but to a painting application which detects changes when "*modifying data defining an image*". No supporting documentation has been advanced to support the rationale, or provide cogent reasoning.

Because every modification or element has a corresponding use or benefit, the asserted reason for the combination could be applied to any improvement. It appears therefore that "*hindsight construction*" played a leading role in arriving at the present ground for rejection in the Office Action - which is impermissible in making a *prima facie* showing of obviousness as per the following provisions of the MPEP:

> According to MPEP §2142, "*the examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness.*"

Furthermore, the Searby reference is not combinable as it is directed to different

objects and operating principles. It has been seen that the interpolation performed on user input while painting utilizes different operating principles, while the reference as a whole is directed to the completely different object of painting within a painting application.

The combination with Searby would of necessity render the prior art unsatisfactory for its intended purpose. The relied upon sections of Searby teach aspects of how to capture painting input, such as described above in col 4, lines 5-21 of Searby. The Schleifer and LaRue references do not appear to involve the use of interpolating points in an image being painted, while the rejection is silent on any mechanisms for incorporating Searby with the other references. The rejection is inconsistent with the following provision of the MPEP:

> MPEP 2143.01 "V. THE PROPOSED MODIFICATION CANNOT RENDER THE PRIOR ART UNSATISFACTORY FOR ITS INTENDED PURPOSE
>
> If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)."

The asserted combination with Searby also fails in that it involves different objects and operating principles, as clearly seen from the discussions above. See the following provisions of the MPEP:

> MPEP 2143.01: "VI. THE PROPOSED MODIFICATION CANNOT CHANGE THE PRINCIPLE OF OPERATION OF A REFERENCE
>
> If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)."

Accordingly, it has been seen above that the asserted combination of Schleifer, LaRue and Searby does not provide support for reviewing and comparing new content

as described in Claim 1 of the instant application, while there is no support for making the combination, which is itself unworkable and impermissible as discussed above.

A3. Combination Does Not Teach Automatic Completion Aspect.

The Schleifer / LaRue / Searby combination does not teach "*automatically completing fields within said new content record based on information contained in the new content and said image analysis as well as information about the presence of duplicate or related content which is available on the multiple devices*", and "*wherein new content without an existing record is compared with existing content having a corresponding record, and if the new content is at least similar to existing content, then the records from the existing content are utilized in completing the fields of the new content*".

In support of obviating the above claim recitations, the rejection asserts paragraph [0171] of LaRue, but again fails to indicate what elements within this sections purportedly comport to what is recited in the above claims section.

In reading the above LaRue paragraph, Applicant only finds a discussion of how records on a local level are mapped into the Grand Unified Dataset, which has been discussed by the Applicant in a prior section. As per that discussion, the records being mapped (subsumed) into the GUD already exist, and thus are not "*without an existing record*" as required by the claim recitation. These records may be new in the GUD, but it is clear from LaRue that they are already records. Nothing is asserted with regard to LaRue performing image analysis in that comparison, or of completing fields in response to the image analysis.

In order to reject a claim based on obviousness, all claim limitations must be taught or suggested as per the following provisions of the MPEP:

2143.03 All Claim Limitations Must Be Taught or Suggested

> To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

The MPEP requires that all claim limitations must be taught or suggested by the cited combination.

Accordingly, it has been seen above that the asserted combination of Schleifer, LaRue and Searby does not provide support for automatic completing fields and the manner in which this is performed in response to an image analysis as recited in the Applicant claim.

In view of the discussion presented in the above sections, the Applicant respectfully submits that the asserted combination of Schleifer, LaRue and Searby, fail to teach all the claim elements, while the rejection fails to provide rationale for making the combination, while the combination itself is improper as it requires changing the objects and operating principles of the reference.

Therefore, the Applicant respectfully requests that the rejection of Claim 1, and the claims that depend therefrom, be withdrawn and that those claims be allowed.

B. Dependent Claim 2.

Dependent Claim 2 depends from an independent parent claims whose patentability has been demonstrated above.

The Examiner has not provided any additional support for a rejection of the parent claim, whereby Claim 2 should be considered patentable for at least the reason that its base claim (Claim 1) is patentable as discussed above.

No comparison is discussed in the rejection, which only lists paragraph or line numbers from the references. Accordingly, no searching comparison is provided comparing the claim elements and the cited reference teachings.

It is opined that column 6, lines 29-35 of Schleifer teach: "*receiving a copy, delete, or print request from a user corresponding to specific content within the existing content wherein duplicates of said specific content, or related to said specific content, are retained on a device across multiple devices configured for communicating with one another over a network*"

However, this is not what Applicant finds at this section which is duplicated below.

> *"Delete Data Source. HRESULT DeleteDataSource([in] GUID DateSourceID); Source and delete the column for this Data Source from the Tables. If an item was syncing but is now no longer connected to a sync source, delete the Item from the table."*

As discussed previously, Schleifer relates to synchronizing files and records. The above does not discuss "*receiving a copy, delete, or print request from a user*", as a sync source is seen to be deleted as it is no longer connected. In addition, there is nothing which related these functions on the basis of finding duplicate or related content, which in the parent claim was seen to be performed in response to image analysis.

Accordingly, the rejection clearly fails to make out a *prima facie* case of obviousness against Claim 2.

Therefore, Applicant respectfully requests that the rejection of Claim 2 be withdrawn and the claim allowed to issue.

C. Dependent Claim 3.

Dependent Claim 3 depends from an independent parent claims whose patentability has been demonstrated above.

The Examiner has not provided any additional support for a rejection of the parent claim, whereby Claim 3 should be considered patentable for at least the reason that its base claim (Claim 1) is patentable as discussed above.

No comparison of the reference teaching with the claim recitations are provided in support of the rejection, which only lists paragraph or line numbers from those references. Accordingly, no searching comparison is provided comparing the claim elements and the cited reference teachings.

It is opined that column 6, lines 29-35 of Schleifer teaches: "*receiving a copy, delete, or print request from a user corresponding to specific content within the existing content wherein duplicates of said specific content, or related to said specific content, are retained on a device across multiple devices configured for communicating with one another over a network*"

However, this is not what Applicant finds at this section which is duplicated below.

> *"Delete Data Source. HRESULT DeleteDataSource([in] GUID DateSourceID); Source and delete the column for this Data Source from the Tables. If an item was syncing but is now no longer connected to a sync source, delete the Item from the table."*

As discussed previously, Schleifer relates to synchronizing files and records. The above does not discuss "*receiving a copy, delete, or print request from a user*", as a sync source is seen to be deleted as it is no longer connected. In addition, there is nothing which related these functions on the basis of finding duplicate or related content, which in the parent claim was seen to be performed in response to image analysis.

Accordingly, the rejection clearly fails to make out a *prima facie* case of obviousness against Claim 3.

Therefore, Applicant respectfully requests that the rejection of Claim 3 be withdrawn and the claim allowed to issue.

D. Dependent Claim 4.

Dependent Claim 4 depends from an independent parent claims whose patentability has been demonstrated above.

The Examiner has not provided any additional support for a rejection of the parent claim, whereby Claim 4 is patentable for at least the reason that their base claim (Claim 1) is patentable as discussed above.

The Examiner has rejected Claim 4 on the basis of dependent Claim 3 does not recite equivalent elements as recited in Claim 4.

Nothing is advanced in support of the element of Claim 4 reciting: "*wherein said confirmation presents the user with options as to which content to use, based on resolution of the content, for performing said request based on the presence of duplicate content*".

Therefore, as no *prima facie* case of obviousness has been set forth against Claim 4, Applicant respectfully requests that the rejection of Claim 4 be withdrawn.

E. Dependent Claim 5.

Dependent Claim 5 depends from an independent parent claims whose patentability has been demonstrated above.

The Examiner has not provided any additional support for a rejection of the parent claim, whereby Claim 5 is patentable for at least the reason that its base claim (Claim 1) is patentable as discussed above.

As the sole support for the rejection of Claim 5, the Examiner has opined that the abstract of Searby provides support, without providing any comparison as to how the

reference purportedly does so.

It has been shown in regards to Claim 1 that the Searby reference is not combinable with Schleifer and LaRue as it directed to different, and incompatible, objects and operating principles.

Looking at the Abstract of Searby Applicant finds a description of "*An electronic graphic system for use in the painting of an image comprises a control store which stores control data representing a distribution of interpolation coefficients.*", as recited therein, but nothing which relates to image-content resolution when comparing duplicate or related content. No *prima facie* case of obviousness is thus made out against claim 5.

Therefore, as no *prima facie* case of obviousness has been set forth against Claim 5, Applicant respectfully requests that the rejection of Claim 5 be withdrawn.

F. Dependent Claim 6.

Dependent Claim 6 depends from an independent parent claims whose patentability has been demonstrated above.

The Examiner has not provided any additional support for a rejection of the parent claim, whereby Claim 6 is patentable for at least the reason that its base claim (Claim 1) is patentable as discussed above.

As the sole support of the rejection of Claim 6, the Examiner has listed the text of column 8, lines 32-44 of Schleifer, duplicated below, although there is no discussion as to how this section is considered to support the obviousness rejection.

> *"Exact data comparison (primary keyset): A set of fields is defined as the primary properties that are compared to consider the item a duplicate. This set of fields may be different for each data type. The set of fields chosen should be able to be adapted in the code without major code change. This could include listing the fields in a header file so that the algorithms can be tuned during the test process.*
>
> *Property Existence (secondary keyset: A larger set of fields, almost completely inclusive, is used to check for the simple existence of data in those properties. This helps to ensure that if a field is set in one item and is blank in*

another, then even if their primary key's match, the items will not be considered duplicates of one another."

Applicant is unable to find anything in the relied upon text section which discusses a field of the record for indicating other content related to content associated with the content record. Applicant only finds a discussion of comparing fields between records as discussed for the synchronization object of the Schleifer reference, nothing has been shown, or found by the Applicant in this reference which addresses fields within the record that indicate duplicate or related content.

Accordingly, *no prima facie* case of obviousness has been made out in regard to Claim 6.

Therefore, as *no prima facie* case of obviousness has been set forth against Claim 6, Applicant respectfully requests that the rejection of Claim 6 be withdrawn.

G. Independent Claim 10.

Independent Claim 10 provides similar scope than Claim 1 discussed above, although it is recited in a means-plus-function format. The Examiner rejected all independent Claims 1, 10, 17 and 24-28 on the basis of the same argument against Claim 1. It has been shown in relation to Claim 1, however, that this rejection suffers from numerous intractable shortcomings which have been discussed at length.

Rather than duplicate the entirety of the arguments presented for Claim 1, the following summarizes the arguments as to why the elements of Claim 10 are not obvious in view of the cited combination, and discusses additional elements of Claim 10 for which no support was advanced in the rejection. The details of the discussion from Claim 1 are considered incorporated by reference herein.

The following is a summary list of the shortcomings of the rejection which were asserted against Claim 1 which also apply to Claim 10 as well.

The rejection lacks any searching comparison between the text of the cited references and the claim recitations. As the 'support' for the obviousness rejection comprises merely a callout of a paragraph or column and line number from the references, no *prima facie* case of obviousness is established. .

It has been seen regarding Claim 1, the Schleifer does not teach the manner in which new content, for which no record exists, is handled. It was was shown that column 10, lines 63-65 of Schleifer pertains to file and record synchronization, and clearly discusses records which already exist on the first device, which is why they can be synchronized with the second device. In addition, this new content in the claims is directed to content containing images, which is not described in the cited reference. Claim 10 specifically recites "*means for receiving a request from a user to create a new content record for new content received from the user for which no record exists*", as well as "*wherein new content without an existing record is compared with existing content having a corresponding record, and if the new content is at least similar to existing content, then the records from the existing content are utilized in completing the fields of the new content*".

The LaRue reference is also asserted as teaching these new content handling elements of the invention, however, it was shown at length in reference to Claim 1 that LaRue is directed to taking existing records from a first database, to which a global unified dataset (GUD) identifier field are added whereafter the existing record from the first database is subsumed in the GUD dataset. The record being subsumed is only new in the sense that it was not in the GUD previously. Again LaRue provides no discussion of the content being image content and the other interactions recited in the Applicant claim.

In view of the above it is seen that neither of the references relied upon actually teach this aspect of the invention.

It was also seen in relation to Claim 1 that the Schleifer / LaRue / Searby combination does not teach "*reviewing said new content …and comparing image*

content". No support was found for equating the teachings at column 10, lines 65-67 of Schleifer, with this claim element. The recited section describes checking of a record structure within databases on two different machines, not in reviewing new content (whose meaning is clearly described in the claims) based on comparing image content. In fact no image content comparisons are advanced from the Schleifer reference. Claim 10 specifically recites "*means for reviewing specific content within the new content of said new record in response to the request and comparing image-content with duplicate or related content which is available across said multiple devices*".

Nothing is advanced from the LaRue reference toward reviewing the content and image analysis, although it is asserted that LaRue teaches automatic completion, as discussed in a later section.

The combination asserted with Searby is both improper and fails to teach what it is relied upon to teach. It was noted that the Searby reference was directed to an electronic painting application, and the relied upon section of that reference discusses painting an image in relation to how a framestore is used and the storing and comparison of "*interpolation coefficients*" in the lines drawn in the painting program.

The reference is not analogous, as one searching for how to synchronize content across a network would not be drawn to study how control points in a drawing package are handled. In addition, there is no discussion as to how one of ordinary skill in the art would possibly combine the use of interpolation coefficients, the frame store, and other elements discussed in Searby with the Schleifer and LaRue references. It was shown in relation to Claim 1, that since Schleifer and LaRue are directed to different objects and operating principles that the combination is improper.

The rejection fails to present articulated reasoning with rational underpinning for making the combination with Searby, and that only a mere opinion is expressed by the examiner regarding a supposed benefit of the modification being to provide "*a plurality of alternate content*". It appears in view of these shortcomings that hindsight reasoning played an undue role in asserting of the combination with Searby.

The Schleifer / LaRue / Searby combination also fails to teach "*means for automatically completing fields within said new content record based on information contained in the new content and said image analysis as well as information about the presence of duplicate or related content which is available on the multiple devices*", and "*wherein new content without an existing record is compared with existing content having a corresponding record, and if the new content is at least similar to existing content, then the records from the existing content are utilized in completing the fields of the new content*".

In support of the similar elements above recited in Claim 1, paragraph [0171] of LaRue was advanced without discussion. Applicant, however, finds this section of LaRue to relates only to the mapping of a record from a local level to the of the Grand Unified Dataset (GUD) which was discussed at length in relation to Claim 1, in which existing records at a first level are subsumed into a larger dataset.

In view of the discussion presented in the above sections, the Applicant respectfully submits that the asserted combination of Schleifer, LaRue and Searby, fail to teach all the claim elements, while the rejection fails to provide rationale for making the combination, while the combination itself is improper as it requires changing the objects and operating principles of the reference.

Therefore, the Applicant respectfully requests that the rejection of Claim 10, and the claims that depend therefrom, be withdrawn and that those claims be allowed.

H. Independent Claim 17.

Although independent Claim 17 provides more claim detail than recited for Claims 1 and 10, the Examiner rejected all independent Claims 1, 10, 17 and 24-28 on the argument presented against Claim 1. This argument has been shown to suffer from numerous intractable shortcomings which have been discussed at length.

Independent Claim 17 provides additional detail over Claim 1 discussed above, and is drafted in a system claim format.

Instead of duplicating the entirety of the arguments presented in Claim 1, the following summarizes the arguments as to why the elements of Claim 17 are not obvious in view of the cited combination, and discuss additional elements of Claim 17 for which no support was advanced in the rejection. The discussion from Claim 1 being considered incorporated by reference herein.

The following is a summary list of the shortcomings of the rejection which were asserted against Claim 1 which also apply to Claim 17 as well.

The rejection lacks any searching comparison between text of the cited references and the claim recitations. As the 'support' for the obviousness rejection comprises merely a callout of a paragraph or column and line number from the references, no *prima facie* case of obviousness is established.

It has been seen regarding Claim 1, that the Schleifer references does not teach the manner in which new content, for which no record exists, is handled. It was shown in relation to Claim 1, that column 10, lines 63-65 of Schleifer pertains to file and record synchronization, and clearly discusses records which already exist on the first device, which is why they can be synchronized with the second device. In addition, this new content in the claims is directed to content containing images, which is not described in the cited reference. Claim 17 specifically reciting "*an interface module configured for receiving a request submitted by a user specifying new content submitted by the user for which no record exists*", "*a review module configured for reviewing said new content and creating a new content record corresponding to said new content based on comparing the new content with existing content, and performing an image analysis*", and "*wherein a content record is associated with existing content, with said content record having information fields for accessing the duplicate content and/or related content*".

The LaRue is also asserted as teaching these new content aspects of the invention, however, it was shown at length in reference to Claim 1 that LaRue is directed to taking existing records from a first database, to which a global unified

dataset (GUD) identifier field are added whereafter the existing record from the first database is subsumed in the GUD dataset. The record being subsumed is only new in the sense that it was not in the GUD previously. Again LaRue provides no discussion of the content being image content and the other interactions recited in the Applicant claim.

In view of the above it is seen that neither of the references relied upon actually teach this aspect of the invention.

It was also seen in relation to Claim 1 that the Schleifer / LaRue / Searby combination does not teach "*reviewing said new content …and comparing image content*". No support was found for equating the teachings at column 10, lines 65-67 of Schleifer, with this claim element. The recited section describes checking of a record structure within databases on two different machines, not in reviewing new content (whose meaning is clearly described in the claims) based on comparing image content. In fact no image content comparisons are advanced from the Schleifer reference. Claim 17 specifically recites in detail a "*means for reviewing specific content within the new content of said new record in response to the request and comparing image-content with duplicate or related content which is available across said multiple devices*", which is not supported by the asserted combination.

Nothing is advanced from the LaRue reference toward reviewing the content using this image analysis, although it is asserted that LaRue teaches automatic completion, as discussed in a later section.

The combination asserted with Searby is both improper and fails to teach what it is relied upon to teach. It was noted that the Searby reference was directed to an electronic painting application, and the relied upon section of that reference discusses painting an image in relation to how a framestore is used and the storing and comparison of "*interpolation coefficients*" in the lines drawn in the painting program.

The reference is not analogous, as one searching for how to synchronize content across a network would not be drawn to study how control points in a drawing package

are handled. In addition, there is no discussion as to how one of ordinary skill in the art would even combine the use of "*interpolation coefficients*", the frame store, and other elements discussed in Searby with the Schleifer and LaRue references. It was shown in relation to Claim 1, that since Schleifer and LaRue are directed to different objects and operating principles that the combination is improper.

The rejection fails to present articulated reasoning with rational underpinning for making the combination with Searby, and that only a mere opinion is expressed by the examiner regarding a supposed benefit of the modification being to provide "*a plurality of alternate content*". It appears in view of these shortcomings that hindsight reasoning played an undue role in asserting of the combination with Searby.

The Schleifer / LaRue / Searby combination also fails to teach "*means for automatically completing fields within said new content record in response to information contained in the new content and said image analysis as well as information about said duplicate or related content which is available across the multiple devices*", and "*wherein new content without an existing record is compared with existing content having a corresponding record, and if the new content is at least similar to existing content, then the records from the existing content are utilized in completing the fields of the new content*".

In support of the similar element recited in Claim 1, paragraph [0171] of LaRue was advanced without discussion. Applicant asserts that this section of LaRue only relates to the mapping of a record from a local level to the of the Grand Unified Dataset (GUD) which was discussed at length in relation to Claim 1, in which existing records at a first level are subsumed into a larger dataset.

In addition, since the rejection of Claim 17 was asserted on the basis of Claim 1, it fails to address other elements of Claim 17, including the following.

(1) The rejection fails to provide any support for the "*interface module*" and that "*said interface module is configured for receiving a request submitted by a user specifying new content submitted by the user for which no record exists*", and for

"communicating over a network between one or more client devices and a server device".

(2) The rejection fails to provide any support for "*wherein a content record is associated with existing content, with said content record having information fields for accessing the duplicate content and/or related content*".

(3) The rejection fails to provide any support for "*a storage module configured for storing a preference wherein the preference corresponds to types of request and includes at least one criteria for performing the request*".

(4) The rejection fails to provide any support for "*said review module configured for analyzing existing content and a corresponding content record associated with the request, to find duplicate or related content that is available across the system containing the multiple devices".*

(5) The rejection fails to provide any support for "*said review module configured for selectively transmitting a confirmation for the request based on the analysis and the presence of duplicate or related content and the preference for determining whether the request is performed*".

(6) The rejection fails to provide any support for "*said review module executes the request based on receiving the request and instruction from the user in responding to said confirmation*".

MPEP 2143.03 indicates that "*To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.*" However, the rejection has been advanced without any teachings from the references in regard to the above additional elements of Claim 17, which were not recited in Claim 1.

Consequently, it has been shown that the cited references do not teach what they are purported to teach and there is a failure to teach all aspects of the cited claim, while the references themselves cannot be properly combined.

Therefore, in view of the lack of support for the rejection, Applicant respectfully requests that the rejection of Claim 17, and the claims which depend therefrom, be withdrawn.

I. Dependent Claim 18.

Dependent Claim 18 depends from independent parent Claim 17 whose patentability has been discussed above.

The Examiner has not provided any additional support for a rejection of the parent claim, whereby Claim 18 is patentable for at least the reason that its base claim (Claim 1) is patentable as discussed above.

The rejection of dependent Claim 18 is included in the omnibus rejection of Claims 1, 10, 17, 18 and 24-28. Aside from a discussion of manipulating image content in the painting program of Searby, specifically in relation to "*interpolation coefficients*", no grounds are set forth for the capture module recited in Claim 18.

Claim 18 specifically recites "*a capture module configured to identify content in response to comparing an image of the new content with images contained in the existing content*", for which no teachings are asserted from the rejection, and thus no case of obviousness has been made out in regard to this claim.

Therefore, Applicant respectfully requests that the rejection of Claim 18 be withdrawn.

J. Dependent Claim 19.

Dependent Claim 19 depends from an independent parent claims whose patentability has been discussed above. The Examiner has not provided any additional support for a rejection of the parent claim, whereby Claim 19 is patentable for at least the reason that its base claim (Claim 17) is patentable as discussed above.

Claim 19 recites "*wherein image-content resolution is determined when comparing duplicate or related content*".

As the sole support of the rejection of Claim 19, the Examiner has opined that the abstract of Searby provides support, without furnishing any discussion or comparison as to how the reference purportedly teaches this aspect.

It has been shown in regards to Claim 17 (and preceding independent Claim 1) that the Searby reference is not combinable with Schleifer and LaRue as it directed to different, and incompatible, objects and operating principles.

Looking at the Abstract of Searby Applicant finds a description of "*An electronic graphic system for use in the painting of an image comprises a control store which stores control data representing a distribution of interpolation coefficients.*", as recited therein, but nothing which relates to image-content resolution when comparing duplicate or related content. No *prima facie* case of obviousness is thus made out against Claim 19.

Therefore, as *no prima facie* case of obviousness has been set forth against Claim 19, Applicant respectfully requests that the rejection of Claim 19 be withdrawn.

K. Dependent Claim 20.

Dependent Claim 20 depends from independent parent Claim 17 whose patentability has been discussed above.

The Examiner has not provided any additional support for a rejection of the parent claim, whereby Claim 20 is patentable for at least the reason that the base claim (Claim 17) is patentable as discussed above.

The rejection of dependent Claim 20 is included in the combined rejection of Claims 3, 4 and 20. In this rejection Examiner discusses only the material of Claim 3, and provides no support for the rejection of Claims 4 and 20.

Claim 20 specifically recites "*wherein the interface module is configured to provide a confirmation based on the criteria for performing the request as contained in said preference, said confirmation configured for confirming that the user desires to proceed with performing the request*", for which no support is asserted from the

references. Thus, no specific grounds of support are set forth for the rejection of Claim 20. In view of the above, no case of obviousness has been made out in regard to Claim 20.

Accordingly, the rejection clearly fails to make out a case of obviousness against Claim 20.

Therefore, Applicant respectfully requests that the rejection of Claim 20 be withdrawn.

L. Independent Claim 24.

Independent Claim 24 was rejected along with all independent Claims 1, 10, 17 and 24-28 on the argument presented against Claim 1. This argument has been shown to suffer from numerous intractable shortcomings which have been discussed at length for Claim 1, and to a lesser extent the other independent claims.

Independent Claim 24 provides additional limitations over Claim 1 and is recited in a computer-readable media claim format.

Instead of duplicating the whole of each argument presented for Claim 1, the following summarizes the arguments as to why the elements of Claim 24 are not obvious in view of the cited combination, and discusses additional elements of Claim 24 for which no support was advanced in the rejection. The details of the discussion from Claim 1 being considered incorporated by reference herein.

The rejection lacks a searching comparison between the text of the cited references and the claim recitations. As the 'support' for the obviousness rejection comprises merely a callout of a paragraph or column and line number from the references, no *prima facie* case of obviousness is established.

It has been seen regarding Claim 1, that Schleifer does not teach the manner in which new content, for which no record exists, is handled. It was was shown that column 10, lines 63-65 of Schleifer pertains to file and record synchronization, and clearly discusses records which already exist on the first device, which is why they can

be synchronized with the second device. In addition, this new content in the claims is directed to content containing images, which is not described in the cited reference. Specifically, Claim 24 recites "*receiving a request from a user corresponding to new content submitted by the user for which no record exists across any of the multiple devices*", as well as "*creating a new content record for said new content submitted by the user for which no record exists*". These new content elements are important as they interoperate with the additional elements including image analysis and automatic field completion.

The LaRue reference is also asserted as teaching this new content handling element of the invention, however, it was shown at length in reference to Claim 1 that LaRue is directed toward taking existing records from a first database, to which a global unified dataset (GUD) identifier field are added whereafter the existing record from the first database is subsumed in the GUD dataset. The record being subsumed is only new in the sense that it was not in the GUD previously. Again LaRue provides no discussion of the content being image content and the other interactions recited in the Applicant claim.

In view of the above it is seen that neither of the references relied upon actually teach this aspect of the invention.

It was also seen in relation to Claim 1 that the Schleifer / LaRue / Searby combination does not teach use of image analysis. Claim 24 specifically recites "*creating a new content record*" and then of "*…analyzing the associated record and comparing image content using image analysis to determine what duplicate or related content is available across the multiple devices*". No support was found for equating the teachings at column 10, lines 65-67 of Schleifer, with the similar claim elements from Claim 1. The recited section of the Schleifer reference describes checking of a record structure within databases on two different machines, not in reviewing the actual content based on image analysis. In fact no image content comparisons are advanced from the Schleifer reference.

Nothing is advanced from the LaRue reference toward reviewing the content and performing image analysis, although it is asserted that LaRue teaches automatic completion, as discussed in a later section.

The combination asserted with Searby is both improper and fails to teach what it is relied upon to teach. It was noted that the Searby reference was directed to an electronic painting application, and the relied upon section of that reference discusses painting an image in relation to how a framestore is used and the storing and comparison of "*interpolation coefficients*" in the lines drawn in the painting program.

The reference is not analogous, as one searching for how to synchronize content across a network would not likely be drawn to study how control points in a drawing package are handled. In addition, there is no discussion as to how one of ordinary skill in the art could possibly even combine the use of interpolation coefficients, the frame store, and other elements discussed in Searby with the Schleifer and LaRue references. It was shown in relation to Claim 1, that since Schleifer and LaRue are directed to different objects and operating principles that the combination is improper.

The rejection fails to present articulated reasoning with rational underpinning for making the combination with Searby; while only a mere opinion is expressed by the examiner regarding a supposed benefit of the modification being to provide "*a plurality of alternate content*". It appears in view of these shortcomings that hindsight reasoning played an undue role in asserting of the combination with Searby.

The Schleifer / LaRue / Searby combination also fails to teach "*automatically completing fields within said new content record based on information contained in the new content and said image analysis as well as information about the presence of duplicate or related content which in existing content available across the multiple devices*".

In support of the above element paragraph [0171] of LaRue is advanced without discussion. Applicant contends that this section of LaRue only relates to the mapping of a record from a local level to the of the Grand Unified Dataset (GUD) which was

discussed at length in relation to Claim 1, in which existing records at a first level are subsumed into a larger dataset.

In addition, since the rejection of Claim 24 was asserted on the basis of Claim 1, it fails to address other elements of Claim 24, including the following.

(1) The rejection fails to provide any support for "*wherein a content record is associated with existing content, with said content record having information fields for accessing the duplicate content and/or related content*". Nothing is asserted from the cited references for their being fields in their content records, through which access is provided (e.g., pointers) to duplicate and/or related content.

(2) The rejection fails to provide any support for "*selectively transmitting a confirmation for the request based on said reviewing and the presence of any duplicate or related content*".

(3) The rejection fails to provide any support for "*performing the request based on receiving the request and instruction from the user in responding to said confirmation*".

MPEP 2143.03 indicates that "*To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.*" However, the rejection has been advanced without any teachings from the references in regard to the above additional elements of Claim 24, which were not recited in Claim 1.

Consequently, it has been shown that the cited references do not teach what they are purported to teach and there is a failure to teach all aspects of the cited claim, while the references themselves cannot be properly combined.

Therefore, in view of the lack of support for the rejection, Applicant respectfully requests that the rejection of Claim 24, and the claims which depend therefrom, be withdrawn.

M. Independent Claim 25.

Independent Claim 25 was rejected along with all independent Claims 1, 10, 17 and 24-28 on the same argument presented against Claim 1. This argument has been shown to suffer from numerous intractable shortcomings which have been discussed at length for Claim 1, and to a lesser extent the other independent claims.

Independent Claim 25 provides additional detail over Claim 1 discussed above, and is recited as a system claim having a computer processor and programming.

Instead of duplicating the entirety of the arguments presented for Claim 1, the following summarizes the arguments as to why the elements of Claim 25 are not obvious in view of the cited combination, and discusses additional elements of Claim 25 for which no support was advanced in the rejection. The discussion from Claim 1 being considered incorporated by reference herein.

The rejection lacks a searching comparison between the text of the cited references and the claim recitations. As the 'support' for the obviousness rejection comprises merely a callout of a paragraph or column and line number from the references, no *prima facie* case of obviousness is established.

It has been seen regarding Claim 1, that Schleifer does not teach the manner in which new content, for which no record exists, is handled. It was was shown that column 10, lines 63-65 of Schleifer pertains to file and record synchronization, and clearly discusses records which already exist on the first device, which is why they can be synchronized with the second device. In addition, this new content in the claims is directed to content containing images, which is not described in the cited reference. Claim 25 specifically recites "*receiving a request from a user with new content submitted by the user for which no record exists*", and "*said new content along with existing duplicate content, and/or related content are retained across multiple client devices configured for communicating over the network*", as well as "*creating a new content record for said new content submitted by the user*". These new content elements are

important as they interoperate with the additional elements including image analysis and automatic field completion.

The LaRue reference is also asserted as teaching this new content handling element of the invention, however, it was shown at length in reference to Claim 1 that LaRue is directed toward taking existing records from a first database, to which a global unified dataset (GUD) identifier field are added whereafter the existing record from the first database is subsumed in the GUD dataset. The record being subsumed is only new in the sense that it was not in the GUD previously. Again LaRue provides no discussion of the content being image content and the other interactions recited in the Applicant claim.

In view of the above it is seen that neither of the references relied upon actually teach this aspect of the invention.

It was also seen in relation to Claim 1 that the Schleifer / LaRue / Searby combination does not teach use of image analysis. Claim 25 recites "*creating a new content record*" and then of *analyzing the new content and comparing image content using image analysis to find duplicate or related content that is available on devices connected to the network*". No support was found for equating the teachings at column 10, lines 65-67 of Schleifer, with this claim element. The recited section describes checking of a record structure within databases on two different machines, not in reviewing the actual content based on image analysis. In fact no image content comparisons are advanced from the Schleifer reference.

Nothing is advanced from the LaRue reference toward reviewing the content and performing image analysis, although it is asserted that LaRue teaches automatic completion, as discussed in a later section.

The combination asserted with Searby is both improper and fails to teach what it is relied upon to teach. It was noted that the Searby reference was directed to an electronic painting application, and the relied upon section of that reference discusses painting an image in relation to how a framestore is used and the storing and

comparison of "*interpolation coefficients*" in the lines drawn in the painting program.

The reference is not analogous, as one searching for how to synchronize content across a network would not be likely drawn to study how control points in a drawing package are handled. In addition, there is no discussion as to how one of ordinary skill in the art could possibly even combine the use of interpolation coefficients, the frame store, and other elements discussed in Searby with the Schleifer and LaRue references. It was shown in relation to Claim 1, that since Schleifer and LaRue are directed to different objects and operating principles that the combination is improper.

The rejection fails to present articulated reasoning with rational underpinning for making the combination with Searby; while only a mere opinion is expressed by the examiner regarding a supposed benefit of the modification being to provide "*a plurality of alternate content*". It appears in view of these shortcomings that hindsight reasoning played an undue role in asserting of the combination with Searby.

The Schleifer / LaRue / Searby combination also fails to teach "*automatically completing fields within said new content record based on information contained in the new content and said image analysis as well as information about the presence of duplicate or related content in existing content available across the multiple devices*".

In support of the similar element recited in Claim 1, paragraph [0171] of LaRue is advanced without discussion. Applicant contends that this section of LaRue only relates to the mapping of a record from a local level to the of the Grand Unified Dataset (GUD) which was discussed at length in relation to Claim 1, in which existing records at a first level are subsumed into a larger dataset.

In addition, since the rejection of Claim 25 was asserted on the basis of Claim 1, it fails to address other elements of Claim 25, including the following.

(1) The rejection fails to provide support for "*a server configured for communication over a network*", "*a client device configured for communication over the network with said server*", and "*communicating over the network between said client*

device and said server device and at least one other client device connected to the network" as recited in Claim 25.

(2) The rejection fails to provide any support for "*transmitting a confirmation for the request when duplicate or related content is available*", and "*receiving instruction from the user in responding to said confirmation*", in combination with "*executing the request based on the instruction*".

MPEP 2143.03 indicates that "*To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.*" However, the rejection has been advanced without any teachings from the references in regard to the above additional elements of Claim 25, which were not recited in Claim 1.

Consequently, it has been shown that the cited references do not teach what they are purported to teach and there is a failure to teach all aspects of the cited claim, while the references themselves cannot be properly combined.

Therefore, in view of the lack of support for the rejection, Applicant respectfully requests that the rejection of Claim 25, and the claims which depend therefrom, be withdrawn.

N. Independent Claim 26.

Independent Claim 26 provides added detail over recited Claim 1, although it was rejected (along with Claims 10, 17 and 24-25, and 27-28) on the same basis as the argument presented against Claim 1. This argument has been shown to suffer from numerous intractable shortcomings which have been discussed at length.

Claim 26 is recited in a system claim format, including an electronic processor and programming executable on the processor which details a number of steps.

Rather than duplicate the entirety of the arguments presented for Claim 1, the following summarizes the arguments as to why the elements of Claim 26 are not obvious in view of the cited combination, and discusses additional elements of Claim 26

for which no support was advanced in the rejection. The details of the discussion from Claim 1 are considered incorporated by reference herein.

The following is a summary list of the shortcomings of the rejection which were asserted against Claim 1 which also apply to Claim 26 as well.

The rejection fails to provide any searching comparison between text of the cited references and the claim recitations. As the 'support' for the obviousness rejection comprises merely a callout of a paragraph or column and line number from the references, *no prima facie* case of obviousness is established.

It has been seen regarding Claim 1, that the Schleifer does not teach the manner in which new content, for which no record exists, is handled. It was was shown that column 10, lines 63-65 of Schleifer pertains to file and record synchronization, and clearly discusses records which already exist on the first device, which is why they can be synchronized with the second device. In addition, this new content in the claims is directed to content containing images, which is not described in the cited reference. Claim 26 specifically recites "*receiving a request from a user with new content submitted by the user for which no record exists*", "*creating a new content record for said new content submitted by the user*", in combination with "*analyzing the new content and comparing image content using image analysis to find duplicate or related content that is available on devices connected to the network*".

The LaRue reference is also asserted as teaching all these "*new content*" elements of the invention, however, it was shown at length in reference to Claim 1 that LaRue is directed to taking existing records from a first database, to which a global unified dataset (GUD) identifier field are added whereafter the existing record from the first database is subsumed in the GUD dataset. The record being subsumed is only new in the sense that it was not in the GUD previously. Again LaRue provides no discussion of the content being image content and the other interactions recited in the Applicant claim.

In view of the above it is seen that neither of the references relied upon actually teach this aspect of the invention.

It was also seen in relation to Claim 1 that the Schleifer / LaRue / Searby combination does not teach a content review process which involves "*comparing image content*". No support was found for equating the teachings at column 10, lines 65-67 of Schleifer, with this claim element. The above section of Schleifer describes checking of a record structure within databases on two different machines, not in reviewing new content (whose meaning is clearly described in the claims) based on comparing image content. In fact no image content comparisons are advanced from the Schleifer reference. Claim 26 specifically recites "*analyzing the new content and comparing image content using image analysis to find duplicate or related content that is available on devices connected to the network*".

Nothing is advanced from the LaRue reference toward reviewing the content in this manner using image analysis, although it is asserted that LaRue teaches automatic completion, as discussed in a later section.

The combination asserted with Searby is both improper and fails to teach what it is relied upon to teach. It was noted that the Searby reference was directed to an electronic painting application, and the relied upon section of that reference discusses painting an image in relation to how a framestore is used and the storing and comparison of "*interpolation coefficients*" in the lines drawn in the painting program.

The reference is not analogous, as one searching for how to synchronize content across a network would not be drawn to study how control points in a drawing package are handled. In addition, there is no discussion as to how one of ordinary skill in the art would possibly combine the use of "*interpolation coefficients*", the frame store, and other elements discussed in Searby with the Schleifer and LaRue references to arrive at the instant invention. It was shown in relation to Claim 1, that since Schleifer and LaRue are directed to different objects and operating principles that the combination is improper.

The rejection fails to present articulated reasoning with rational underpinning for

making the combination with Searby, within only an opinion being expressed in the rejection regarding a supposed benefit of the modification being to provide "*a plurality of alternate content*". It appears in view of these shortcomings that hindsight reasoning played an undue role in asserting of the combination with Searby.

The Schleifer / LaRue / Searby combination also fails to teach "*automatically completing fields within said new content record based on information contained in the new content and said image analysis as well as information about the presence of duplicate or related content in existing content available across the multiple devices*".

In support of the similar element to the above recited in Claim 1, paragraph [0171] of LaRue was advanced without discussion. Applicant contends that this section of LaRue teaches the mapping of a record from a local level to the of the Grand Unified Dataset (GUD) which was discussed at length in relation to Claim 1, in which existing records at a first level are subsumed into a larger dataset.

In addition, since the rejection of Claim 26 was asserted on the basis of Claim 1, it fails to address other elements of Claim 26, including the following.

(1) The rejection fails to provide any support for "*a server configured for communication over a network", "a client device configured for communication over the network with said server"*, and for "*communicating over the network between said client device and said server and at least one other client device connected to the network*".

(2) The rejection fails to provide any support for "*storing a preference setting for one or more types of requests, said preference including at least one criteria for performing the request".*

(3) The rejection fails to provide any support for "*transmitting a confirmation for the request based on the preference setting when duplicate or related content is available", "receiving instruction from the preference setting, and/or from the user in responding to said confirmation, as to how to execute said request,"* in combination with *"executing the request in response to said instruction*".

MPEP 2143.03 indicates that "*To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art*." However, the rejection has been advanced without any teachings from the references in regard to the above additional elements of Claim 26, which were not recited in Claim 1.

Consequently, it has been shown that the cited references do not teach what they are purported to teach and there is a failure to teach all aspects of the cited claim, while the references themselves cannot be properly combined.

Therefore, in view of the lack of support for the rejection, Applicant respectfully requests that the rejection of Claim 26, and the claims which depend therefrom, be withdrawn.

O. Independent Claim 27.

Independent Claim 27 provides added detail over recited Claim 1, although it was rejected (along with Claims 10, 17 and 24-25, and 27-28) on the same basis as the argument presented against Claim 1. This argument has been shown to suffer from numerous intractable shortcomings which have been discussed at length.

Claim 27 is recited in an apparatus claim format, including an electronic processor and programming executable on the processor which details a number of steps.

Instead of duplicating the entirety of the arguments presented for Claim 1, the following summarizes the arguments and discussed why the elements of Claim 27 are not obvious in view of the cited combination, and follows with discussing additional elements of Claim 27 for which no support was advanced in the rejection. The discussion from Claim 1 being considered incorporated by reference herein.

The following is a summary list of the shortcomings of the rejection which were asserted against Claim 1 which also apply to Claim 27 as well.

The rejection fails to provide any searching comparison between text of the cited references and the claim recitations. As the 'support' for the obviousness rejection

comprises merely a callout of a paragraph or column and line number from the references, no *prima facie* case of obviousness is established.

It has been seen regarding Claim 1, that the Schleifer reference does not teach the manner in which new content, for which no record exists, is handled. It was shown that column 10, lines 63-65 of Schleifer pertains to file and record synchronization, and clearly discusses records which already existed on the first device, which is why they can be synchronized with the second device. In addition, this new content in the claims is directed to content containing images, which is not described in the cited reference. Claim 27 specifically recites "*receiving a request from a user with new content submitted by the user for which no record exists*", "*creating a new content record for said new content submitted by the user*", in combination with "*analyzing an image in the new content using image analysis to find images of duplicate or related content in the existing content that is available on servers and/or client devices connected to the network*".

The LaRue reference is also asserted as teaching all these "*new content*" elements of the invention, however, it was shown at length in reference to Claim 1 that LaRue is directed to taking existing records from a first database, to which a global unified dataset (GUD) identifier field are added whereafter the existing record from the first database is subsumed in the GUD dataset. The record being subsumed is only new in the sense that it was not in the GUD previously. Again LaRue provides no discussion of the content being image content and the other interactions recited in the Applicant claim.

In view of the above it is seen that neither of the references relied upon actually teach this aspect of the invention.

It was also seen in relation to Claim 1 that the Schleifer / LaRue / Searby combination does not teach a content review process which involves "*comparing image content*". No support was found for equating the teachings at column 10, lines 65-67 of Schleifer, with this claim element. The above section of Schleifer describes checking of

a record structure within databases on two different machines, not in reviewing new content (whose meaning is clearly described in the claims) based on comparing image content. In fact no image content comparisons are advanced from the Schleifer reference. Claim 27 specifically recites "*analyzing an image in the new content using image analysis to find images of duplicate or related content in the existing content that is available on servers and/or client devices connected to the network*".

Nothing is advanced from the LaRue reference toward reviewing the content in this manner using image analysis, although it is asserted that LaRue teaches automatic completion, as discussed in a later section.

The combination asserted with Searby is both improper and fails to teach what it is relied upon to teach. It was noted that the Searby reference was directed to an electronic painting application, and the relied upon section of that reference discusses painting an image in relation to how a framestore is used and the storing and comparison of "*interpolation coefficients*" in the lines drawn in the painting program.

The reference is not analogous, as one searching for how to synchronize content across a network would not be drawn to study how control points in a drawing package are handled. In addition, there is no discussion as to how one of ordinary skill in the art would possibly combine the use of "*interpolation coefficients*", the frame store, and other elements discussed in Searby with the Schleifer and LaRue references to arrive at the instant invention. It was shown in relation to Claim 1, that since Schleifer and LaRue are directed to different objects and operating principles that the combination is improper.

The rejection fails to present articulated reasoning with rational underpinning for making the combination with Searby, within only an opinion being expressed in the rejection regarding a supposed benefit of the modification being to provide "*a plurality of alternate content*". It appears in view of these shortcomings that hindsight reasoning played an undue role in asserting of the combination with Searby.

In addition, since the rejection of Claim 27 was asserted on the basis of Claim 1, it fails to address other elements of Claim 27, including the following.

(1) The rejection fails to provide any support for "*a server configured for communication over the network with a server and/or at least one other client device",* in combination with "*said new content along with existing duplicate content, and/or related content are retained across the server and/or multiple client devices configured for communicating over the network*".

(2) The rejection fails to provide any support for "*automatically updating content record fields associated with existing content in response to receipt of new content and said image analysis from which is found duplicate or related content".* Although the cited reference of Schleifer performs a synchronization process which updates fields in content records, it is not driven by new content for which no record exists, and an associated image analysis from which the duplicate or related content is found.

(3) The rejection fails to provide any support for "*transmitting a confirmation for the request when duplicate or related content is available", "receiving instruction from the user in responding to said confirmation",* in combination with "*executing the request based on said instruction"*.

MPEP 2143.03 indicates that "*To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.*" However, the rejection has been advanced without any teachings from the references in regard to the above additional elements of Claim 27, which were not described in Claim 1.

Consequently, it has been shown that the cited references do not teach what they are purported to teach and there is a failure to teach all aspects of the cited claim, while the references themselves cannot be properly combined.

Therefore, in view of the lack of support for the rejection, Applicant respectfully requests that the rejection of Claim 27, and the claims which depend therefrom, be withdrawn.

P. Independent Claim 28.

Independent Claim 28 provides added detail over recited Claim 1, although it was rejected (along with Claims 10, 17 and 24-25, and 27-28) on the same basis as the argument presented against Claim 1. This argument has been shown to suffer from numerous intractable shortcomings which have been discussed at length.

Claim 28 is recited in an apparatus claim format, including an electronic processor and programming executable on the processor which details a number of steps.

Instead of duplicating the entirety of the arguments presented for Claim 1, the following will summarize the arguments as to why the elements of Claim 28 are not obvious in view of the cited combination, and discuss additional elements of Claim 28 for which no support was advanced in the rejection. The discussion from Claim 1 being considered incorporated by reference herein.

The rejection fails to provide any searching comparison between text of the cited references and the claim recitations. As the 'support' for the obviousness rejection comprises merely a callout of a paragraph or column and line number from the references, no *prima facie* case of obviousness is established.

It has been seen regarding Claim 1, that the Schleifer reference does not teach the manner in which new content, for which no record exists, is handled. It was shown that column 10, lines 63-65 of Schleifer pertains to file and record synchronization, and clearly discusses records which already existed on the first device, which is why they can be synchronized with the second device. In addition, this new content in the claims is directed to content containing images, which is not described in the cited reference. Claim 28 specifically recites "*receiving a request from a user with new content submitted by the user for which no record exists*", "*creating a new content record for said new content submitted by the user*", in combination with "*analyzing the new content and comparing image content using image analysis to find duplicate or related content that is retained on client devices connected to the network*".

The LaRue reference is also asserted as teaching all these "*new content*" elements of the invention, however, it was shown at length in reference to Claim 1 that LaRue is directed to taking existing records from a first database, to which a global unified dataset (GUD) identifier field are added whereafter the existing record from the first database is subsumed in the GUD dataset. The record being subsumed is only new in the sense that it was not in the GUD previously. Again LaRue provides no discussion of the content being image content and the other interactions recited in the Applicant claim.

In view of the above it is seen that neither of the references relied upon actually teach this aspect of the invention.

It was also seen in relation to Claim 1 that the Schleifer / LaRue / Searby combination does not teach a content review process which involves "*comparing image content*". No support was found for equating the teachings at column 10, lines 65-67 of Schleifer, with this claim element. The above section of Schleifer describes checking of a record structure within databases on two different machines, not in reviewing new content (whose meaning is clearly described in the claims) based on comparing image content. In fact no image content comparisons are advanced from the Schleifer reference. Claim 28 specifically recites "*analyzing the new content and comparing image content using image analysis to find duplicate or related content that is retained on client devices connected to the network*".

Nothing is advanced from the LaRue reference toward reviewing the content in this manner using image analysis, although it is asserted that LaRue teaches automatic completion, as discussed in a later section.

The combination asserted with Searby is both improper and fails to teach what it is relied upon to teach. It was noted that the Searby reference was directed to an electronic painting application, and the relied upon section of that reference discusses painting an image in relation to how a framestore is used and the storing and comparison of "*interpolation coefficients*" in the lines drawn in the painting program.

The reference is not analogous, as one searching for how to synchronize content across a network would not be drawn to study how control points in a drawing package are handled. In addition, there is no discussion as to how one of ordinary skill in the art would possibly combine the use of "*interpolation coefficients*", the frame store, and other elements discussed in Searby with the Schleifer and LaRue references to arrive at the instant invention. It was shown in relation to Claim 1, that since Schleifer and LaRue are directed to different objects and operating principles that the combination is improper.

The rejection fails to present articulated reasoning with rational underpinning for making the combination with Searby, within only an opinion being expressed in the rejection regarding a supposed benefit of the modification being to provide "*a plurality of alternate content*". It appears in view of these shortcomings that hindsight reasoning played an undue role in asserting of the combination with Searby.

The Schleifer / LaRue / Searby combination also fails to teach "*automatically completing fields within said new content record based on information contained in the new content and said image analysis as well as information about the presence of duplicate or related content in existing content available across the multiple devices*".

In support of the similar element recited in Claim 1, paragraph [0171] of LaRue was advanced without discussion. Applicant contends that this section of LaRue only relates to the mapping of a record from a local level to the of the Grand Unified Dataset (GUD) which was discussed at length in relation to Claim 1, in which existing records at a first level are subsumed into a larger dataset.

In addition, since the rejection of Claim 28 was asserted on the basis of Claim 1, it fails to address other elements of Claim 28, including the following.

(1) The rejection fails to provide any support for "*a server configured for communication over the network with client devices", "communicating over the network between said server and at least one said client device connected to the network"* and in combination with "*said new content along with existing duplicate content, and/or*

related content are retained across said server and at least one said client device configured for communicating over the network".

(2) The rejection fails to provide any support for "*automatically updating content record fields associated with existing content in response to receipt of new content and said image analysis from which is found duplicate or related content".* Although the cited reference of Schleifer performs a synchronization process which updates fields in content records, it is not driven by new content for which no record exists, and an associated image analysis from which the duplicate or related content is found.

(3) The rejection fails to provide any support for "*transmitting a confirmation for the request when duplicate or related content is available", "receiving instruction from the user in responding to said confirmation",* in combination with "*executing the request based on said instruction"*.

MPEP 2143.03 indicates that "*To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art*." However, the rejection has been advanced without any teachings from the references in regard to the above additional elements of Claim 28, which were not recited in Claim 1.

Consequently, it has been shown that the cited references do not teach what they are purported to teach and there is a failure to teach all aspects of the cited claim, while the references themselves cannot be properly combined.

Therefore, in view of the lack of support for the rejection, Applicant respectfully requests that the rejection of Claim 28, and the claims which depend therefrom, be withdrawn.

Q. Dependent Claims 7-9 and 21-23.

Claims 7-9 and 21-23 depend from independent Claims 1 and 17, whose non-obviousness over the cited reference has been discussed above.

As no teachings have been advanced in regard to each of these dependent claims, which overcome the shortcomings of the rejection of their respective parent

claims, each of these claims should be considered *a fortiori* allowable for at least the reason of the demonstrated allowability of their parent claims.

Therefore, Applicant respectfully requests that the rejection of Claims 7-9 and 21-23 be withdrawn.

CONCLUSION

Accordingly, the Applicant respectfully requests a determination of the issues presented herein, as well as a determination that Claims 1-10 and 17-28, are allowable.

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Respectfully submitted,

/Rodger H. Rast/

John P. O'Banion, Reg. No. 33,201
Rodger H. Rast, Reg. No. 45,853
O'BANION & RITCHEY LLP
400 Capitol Mall, Suite 1550
Sacramento, CA 95814
(916) 498-1010

Appendix:

Pending Claims Appendix

Evidence Appendix

Related Proceedings Appendix

CLAIMS APPENDIX

1. A method of tracking and synchronizing content containing images across multiple devices, including a plurality of client devices and a server, comprising:

receiving new content for which no record exists, associated with a request submitted by a user;

reviewing said new content in response to the request and comparing image-content with existing content for which a record exists and which is a duplicate or related to said new content;

wherein said comparing includes image analysis between the new content and the existing content;

performing the request and creating a new content record corresponding to said new content;

automatically completing fields within said new content record based on information contained in the new content and said image analysis as well as information about the presence of duplicate or related content which is available on the multiple devices;

wherein new content without an existing record is compared with existing content having a corresponding record, and if the new content is at least similar to existing content, then the records from the existing content are utilized in completing the fields of the new content;

updating the records of duplicate or related content with information about the new content associated with said new content record to synchronize all the content records.

2. A method as recited in claim 1, further comprising:

receiving a copy, delete, or print request from a user corresponding to specific content within the existing content wherein duplicates of said specific content, or related

to said specific content, are retained on a device across multiple devices configured for communicating with one another over a network;

reviewing a record associated with the specific content in response to the request and analyzing the associated record to determine what duplicate or related content is available across the multiple devices;

transmitting a confirmation for the request in response to detecting the presence of any duplicate or related content; and

performing the request in response to receiving the request and instructions from the user in responding to said confirmation.

3. A method as recited in claim 1, further comprising:

receiving a copy, delete, or print request from a user corresponding to said specific content within the existing content wherein duplicates of said specific content, or related to said specific content, are retained on a device across multiple devices configured for communicating with one another over a network;

reviewing a record associated with the specific content in response to the request and analyzing the associated record to determine what duplicate or related content is available across the multiple devices; and

determining utilization of any duplicate or related content based on a pre-established preference and the type of request which was received.

4. A method as recited in claim 1, further comprising:

transmitting a confirmation for the request in response to detecting the presence of any duplicate or related content; and

wherein said confirmation presents the user with options as to which content to use, based on resolution of the content, for performing said request based on the presence of duplicate content.

5. A method as recited in claim 1, wherein image-content resolution is determined when comparing duplicate or related content.

6. A method as recited in claim 1, wherein each content record includes a field for indicating other content related to content associated with the content record.

7. A method as recited in claim 3, further comprising storing the pre-established preference in a storage device.

8. A method as recited in claim 1, further comprising storing the new content record in a storage device.

9. A method as recited in claim 2, wherein the confirmation is sought from the user for authorization for executing the request.

10. A system for tracking and synchronizing content containing images across multiple devices, including a plurality of client devices and a server, comprising:

means for receiving a request from a user to create a new content record for new content received from the user for which no record exists;

means for reviewing specific content within the new content of said new record in response to the request and comparing image-content with duplicate or related content which is available across said multiple devices;

wherein said comparing includes image analysis between the new content and the existing content;

means for performing the request and creating a record corresponding to said new content;

means for automatically completing fields within said new content record in response to information contained in the new content and said image analysis as well

as information about said duplicate or related content which is available across the multiple devices;

wherein new content without an existing record is compared with existing content having a corresponding record, and if the new content is at least similar to existing content, then the records from the existing content are utilized in completing the fields of the new content; and

means for updating the records of duplicate or related content with information about the specific content associated with said new content record to synchronize the content records.

Claims 11-16 (canceled).

17. A system for tracking and synchronizing content containing images across multiple devices, including a plurality of client devices and a server, comprising:

an interface module configured for receiving a request submitted by a user specifying new content submitted by the user for which no record exists;

said interface module is configured for communicating over a network between one or more client devices and a server device;

wherein existing content, which is a duplicate and/or related, to said new content are retained across multiple devices configured for communicating over the network;

a review module configured for reviewing said new content and creating a new content record corresponding to said new content based on comparing the new content with existing content, and performing an image analysis;

wherein a content record is associated with existing content, with said content record having information fields for accessing the duplicate content and/or related content;

a storage module configured for storing a preference wherein the preference corresponds to types of request and includes at least one criteria for performing the request;

said review module configured for analyzing existing content and a corresponding content record associated with the request, to find duplicate or related content that is available across the system containing the multiple devices;

said review module automatically completing fields within said new content record based on information contained in existing content as well as information about the presence of duplicate or related content which is available across the multiple devices;

said review module also automatically updates content record fields associated with existing content in response to receipt of new content which is found to be a duplicate or related to the existing content based on said image analysis;

said review module configured for selectively transmitting a confirmation for the request based on the analysis and the presence of duplicate or related content and the preference for determining whether the request is performed; and

said review module executes the request based on receiving the request and instruction from the user in responding to said confirmation.

18. A system as recited in claim 17, further comprising a capture module configured to identify content in response to comparing an image of the new content with images contained in the existing content.

19. A system as recited in claim 17, wherein image-content resolution is determined when comparing duplicate or related content.

20. (previously presented): A system as recited in claim 17, wherein the interface module is configured to provide a confirmation based on the criteria for performing the

request as contained in said preference, said confirmation configured for confirming that the user desires to proceed with performing the request.

21. A system as recited in claim 17, wherein the storage module is configured to store the new content record.

22. A system as recited in claim 17, wherein the storage module is configured to store the new content.

23. A system as recited in claim 17, wherein the request includes one from the group of request types consisting of saving, deleting, modifying, and printing of content.

24. A computer-readable medium having computer executable instructions for performing tracking and synchronizing content containing images across multiple devices, including a plurality of client devices and a server, comprising:

receiving a request from a user corresponding to new content submitted by the user for which no record exists across any of the multiple devices;

creating a new content record for said new content submitted by the user for which no record exists;

wherein a content record is associated with existing content, with said content record having information fields for accessing the duplicate content and/or related content;

reviewing existing content records in response to the request and analyzing the associated record and comparing image content using image analysis to determine what duplicate or related content is available across the multiple devices;

automatically completing fields within said new content record based on information contained in the new content and said image analysis as well as information

about the presence of duplicate or related content in existing content available across the multiple devices;

automatically updating content record fields associated with existing content in response to receipt of new content which is found to be a duplicate or related to the existing content;

selectively transmitting a confirmation for the request based on said reviewing and the presence of any duplicate or related content;

performing the request based on receiving the request and instruction from the user in responding to said confirmation.

25. A system for synchronizing and tracking content containing images across multiple devices, including a plurality of client devices and a server, comprising:

a server configured for communication over a network;

a client device configured for communication over the network with said server;

an electronic processor in said client device, said server, or in both said client device and said server; and

programming executable on said electronic processor for,

receiving a request from a user with new content submitted by the user for which no record exists,

communicating over the network between said client device and said server device and at least one other client device connected to the network,

said new content along with existing duplicate content, and/or related content are retained across multiple client devices configured for communicating over the network,

creating a new content record for said new content submitted by the user,

analyzing the new content and comparing image content using image analysis to find duplicate or related content that is available on devices connected to the network,

automatically completing fields within said new content record based on information contained in the new content and said image analysis as well as information about the presence of duplicate or related content in existing content available across the multiple devices,

automatically updating content record fields associated with existing content in response to receipt of new content which is found to be a duplicate or related to the existing content,

transmitting a confirmation for the request when duplicate or related content is available,

receiving instruction from the user in responding to said confirmation,

executing the request based on instruction.

26. A system for synchronizing and tracking content containing images across multiple devices, including a plurality of client devices and a server, comprising:

a server configured for communication over a network;

a client device configured for communication over the network with said server;

an electronic processor in said client device, said server, or in both said client device and said server; and

programming executable on said electronic processor for,

storing a preference setting for one or more types of requests, said preference including at least one criteria for performing the request;

receiving a request from a user with new content submitted by the user for which no record exists,

communicating over the network between said client device and said server and at least one other client device connected to the network,

said new content along with existing duplicate content, and/or related content are retained across multiple client devices configured for communicating over the network,

creating a new content record for said new content submitted by the user,

analyzing the new content and comparing image content using image analysis to find duplicate or related content that is available on devices connected to the network,

automatically completing fields within said new content record based on information contained in the new content and said image analysis as well as information about the presence of duplicate or related content in existing content available across the multiple devices,

automatically updating content record fields associated with existing content in response to receipt of new content which is found to be a duplicate or related to the existing content,

transmitting a confirmation for the request based on the preference setting when duplicate or related content is available,

receiving instruction from the preference setting, and/or from the user in responding to said confirmation, as to how to execute said request,

executing the request in response to said instruction.

27. An apparatus for synchronizing and tracking content containing images across multiple devices, including a plurality of client devices and a server, comprising:

a client device configured for communication over the network with a server and/or at least one other client device;

an electronic processor in said client device; and

programming executable on said electronic processor for,

receiving a request from a user with new content submitted by the user for which no record exists,

communicating over the network between said client device and a server and/or at least one other client device connected to the network,

said new content along with existing duplicate content, and/or related content are retained across the server and/or multiple client devices configured for communicating over the network,

creating a new content record for said new content submitted by the user,

analyzing an image in the new content using image analysis to find images of duplicate or related content in the existing content that is available on servers and/or client devices connected to the network,

automatically updating content record fields associated with existing content in response to receipt of new content and said image analysis from which is found duplicate or related content,

transmitting a confirmation for the request when duplicate or related content is available,

receiving instruction from the user in responding to said confirmation,

executing the request based on said instruction.

28. An apparatus for synchronizing and tracking content containing images across multiple devices, including a plurality of client devices and a server, comprising:

a server configured for communication over a network with client devices;

an electronic processor in said server; and

programming executable on said electronic processor for,

receiving a request from a user with new content submitted by the user for which no record exists,

communicating over the network between said server and at least one said client device connected to the network,

said new content along with existing duplicate content, and/or related content are retained across said server and at least one said client device configured for communicating over the network,

creating a new content record for said new content submitted by the user,

analyzing the new content and comparing image content using image analysis to find duplicate or related content that is retained on client devices connected to the network,

automatically completing fields within said new content record based on information contained in the new content and said image analysis as well as information about the presence of duplicate or related content in existing content available across the multiple devices,

automatically updating content record fields associated with existing content in response to receipt of new content and said image analysis from which is found duplicate or related content,

transmitting a confirmation for the request when duplicate or related content is available,

receiving instruction from the user in responding to said confirmation,

executing the request based on said instruction.

EVIDENCE APPENDIX

Not Applicable. No additional evidence is relied upon in the present Appeal.

RELATED PROCEEDINGS APPENDIX

Not Applicable. No related proceedings are pending and no decisions have been rendered by a court or the Board of Appeals relating to the present Appeal.